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HOUSE BILL NO. 738

Offered January 21, 2000

A BILL to amend and reenact § 10.1-1704 of the Code of Virginia, relating to open-space lands.

Patrons—Suit, Albo, Blevins, Cantor, Drake, Dudley, Howell, Jones, S.C., McDonnell, Purkey, Ruff and Wagner

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-1704 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-1704. Diversion of property from open-space land use; conveyance or lease of open-space land.

A. No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion and (ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. *The public body need not substitute other real property for the land converted or diverted if (i) the public body determines by ordinance that the open-space land converted or diverted is no longer needed for open-space purposes, and (ii) no moneys from the Open-Space Lands Preservation Trust Fund were used in connection with the acquisition by the public body of any right, title or interest in the land converted or diverted.* The public body shall assure that the property substituted will be subject to the provisions of this chapter.

B. A public body may convey or lease any real property it has acquired and which has been designated for the purposes of this chapter. The conveyance or lease shall be subject to contractual arrangements that will preserve the property as open-space land, unless the property is to be converted or diverted from open-space land use in accordance with the provisions of subsection A of this section.

INTRODUCED

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