

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 33.1-95.1, relating to*
3 *Commonwealth Transportation Commissioner; eminent domain.*

4 [S 452]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 33.1-95.1 as follows:**8 *§ 33.1-95.1. Notice of exercise of eminent domain power; evidence of value.*9 *Notwithstanding anything to the contrary contained in this chapter or in Chapter 1.1 (§ 25-46.1 et*
10 *seq.) of Title 25:*11 *1. The Commonwealth Transportation Commissioner shall notify every owner of a building, structure*
12 *or other improvement, as defined in this section, if the Commissioner intends to exercise the power of*
13 *eminent domain in a manner that would result in a taking of the building, structure or other*
14 *improvement;*15 *2. The owner of such building, structure or other improvement shall be authorized to present*
16 *evidence of the fair market value of such building, structure or other improvement in the proceedings*
17 *described in § 25-46.21, provided such owner has filed a petition for intervention pursuant to*
18 *§ 25-46.16;*19 *3. For purposes of this section, owner shall be defined as any person owning an estate or interest in*
20 *buildings, structures or other improvements on real property, which estate or interest is recorded in the*
21 *official records of the circuit court where the property is located, or improvements for which a permit*
22 *has been issued by the Commonwealth Transportation Commissioner pursuant to § 33.1-360, and shall*
23 *not include trustees or beneficiaries under a deed of trust or any person owning only a security interest*
24 *in the real property;*25 *4. For purposes of this section, fair market value is the price that the real property would bring if it*
26 *were offered for sale by one who wanted to sell, but was under no necessity, and was bought by one*
27 *who wanted to buy, but was under no necessity;*28 *5. If the owner of such building, structure or improvement is different from the owner of the*
29 *underlying land then such owner shall not be allowed to proffer any evidence of value which the owner*
30 *of the underlying land would not be permitted to proffer if the building, structure or improvement were*
31 *owned by the owner of the underlying land; and*32 *6. The provisions of this section shall not apply to condemnation proceedings in which the petition*
33 *for condemnation was filed prior to July 1, 2000.*

ENROLLED

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