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HOUSE BILL NO. 2826

Offered January 19, 2001

A BILL to amend and reenact § 25-232.01 of the Code of Virginia, relating to the condemnation of tidal and nontidal wetlands for the purposes of compensation for wetlands impacts.

Patrons—Pollard, Deeds and Morgan

Referred to Committee on Chesapeake and Its Tributaries

Be it enacted by the General Assembly of Virginia:

1. That § 25-232.01 of the Code of Virginia is amended and reenacted as follows:

§ 25-232.01. Condemnation by localities and state institutions.

A. The Commonwealth Transportation Board, the Breaks Interstate Park Commission, any state institution, or the governing body of any county, city or town may acquire by condemnation title to (i) land, buildings and structures, (ii) any easement thereover or (iii) any sand, earth, gravel, water or other necessary material for the purpose of opening, constructing, repairing or maintaining a road or for any other authorized public undertaking if the terms of purchase cannot be agreed upon or the owner (i) is unknown, (ii) cannot with reasonable diligence be found in the Commonwealth or (iii) due to incapacity cannot negotiate an agreement. Condemnation proceedings shall be conducted under the provisions of Chapter 1.1 (§ 25-46.1 et seq.) of this title insofar as applicable. *However, the Commonwealth shall not acquire by condemnation title to tidal or nontidal wetlands, for the purposes of compensation for tidal and nontidal impacts, outside of the U.S. Geological Survey cataloguing unit, as defined by the Hydrologic Unit Map of the United States (U.S.G.S. 1980), in which the wetland impacts occur.*

The location of all roads to be constructed with both state aid and county or district funds shall first be approved by the appropriate local county road authorities.

B. Upon compliance with the provisions of Chapter 1.1 of this title insofar as applicable, cities and towns may acquire by condemnation any lands or rights-of-way necessary for providing watersheds or for laying water pipes, and counties may so acquire such lands or rights-of-way within their borders. Any interest acquired under this section by a county, city or town shall be subject to the provisions of § 25-233.

INTRODUCED

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