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## SENATE BILL NO. 262

Offered January 9, 2002

Prefiled January 8, 2002

*A BILL to amend and reenact §§ 33.1-149 and 33.1-154 of the Code of Virginia, relating to conveyance to local governing bodies by the Commonwealth Transportation Board of portions of state primary and secondary highways that are no longer necessary.*

Patron—Lambert

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That §§ 33.1-149 and 33.1-154 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-149. Conveying sections of roads or other property no longer necessary.

Whenever a road or a portion thereof has been abandoned in accordance with the provisions of § 33.1-145 or § 33.1-148 of this article and is deemed by the Commissioner no longer necessary for the uses of the State Highway System, the Commissioner shall so certify in writing to the Commonwealth Transportation Board such facts, and it may authorize the Commissioner to execute, in the name of the Commonwealth, a deed or deeds conveying such section or sections of road, either for a consideration or in exchange for other lands that may be necessary for the uses of the State Highway System. But before any such deed either for the sale or exchange of land is executed conveying any section of a highway upon or along which any person or persons reside, notice shall be given by the Commissioner to the governing body of the county and town and to the owner or owners of the land upon which such person or persons reside of the intention to convey the section of road and if, after a reasonable notice of such intention, any such landowner or governing body so requests, a hearing shall be ordered by the Commissioner as now provided by law. If, upon such hearing, it is made to appear that such section of road should be left open for the reasonable convenience of such landowner or the public, then such section of road shall not be conveyed. But no hearing shall be held if such road was abandoned under § 33.1-145.

When real estate acquired incidental to the construction, reconstruction, alteration, maintenance and repair of the State Highway System which does not constitute a section of the public road, is deemed by the Commissioner no longer necessary for the uses of the State Highway System, the Commissioner shall so certify in writing, to the Commonwealth Transportation Board such facts, and it may authorize the Commissioner to execute, in the name of the Commonwealth, a deed or deeds conveying such real estate, interest therein, or any portion thereof, either for a consideration or in exchange for other lands that may be necessary for the uses of the State Highway System.

*Upon petition of a local governing body, the Commonwealth Transportation Board may transfer real estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the Secondary System of State Highways which constitutes a section of public road, to the local governing body, and upon such transfer, such section of road shall cease being a part of the Secondary System of State Highways.*

Any such conveyance shall have the approval of the Board by resolution recorded in the minutes of a meeting of the Board.

§ 33.1-154. Conveying sections of roads, public landings, or other property no longer necessary.

Whenever a secondary road or public landing has been abandoned in accordance with the provisions of § 33.1-151 or § 33.1-152 or in accordance with § 33.1-155, and its use is no longer deemed necessary by the Commissioner, the Commissioner shall so certify, in writing, to the Commonwealth Transportation Board, and governing body of the county in which such road or public landing is located, such facts, and the governing body or the Board shall thereupon be authorized to execute, in the name of the Commonwealth or the county, as the case may be, a deed or deeds conveying such sections, or public landing either for a consideration or in exchange for other lands that may be necessary for the uses of the secondary system. But before any such deed either for the sale or exchange of land is executed conveying any section of a road or public landing upon or along which any person or persons reside, notice shall be given by the Commissioner or the governing body of the county, as the case may be, and to the owner or owners of the land upon which such person or persons reside of the intention to convey the section of road or public landing and if, after a reasonable notice of such intention, any such landowner so requests a hearing shall be ordered by the Commissioner or governing body, as the case may be, as now provided by law. If, upon such hearing, it is made to appear that such section of road or public landing should be kept open for the reasonable convenience of such landowner, or the public,

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59 then such section of road or public landing shall not be conveyed.

60 Any such conveyance by the Commissioner shall have the approval of the Board by resolution  
61 recorded in the minutes of a meeting of the Board. Any such conveyance by the governing body of a  
62 county shall not be subject to § 15.1-262.

63 When real estate heretofore or hereafter acquired by the Commonwealth incidental to the  
64 construction, reconstruction, alteration, maintenance and repair of the secondary system of state  
65 highways which does not constitute a section of the public road is deemed by the Commissioner no  
66 longer necessary for the uses of the secondary system of state highways, the Commissioner shall so  
67 certify, in writing, to the Board such facts, and it may authorize the Commissioner to execute, in the  
68 name of the Commonwealth, a deed or deeds conveying such real estate, interest therein or any portion  
69 thereof, either for a consideration or in exchange for other lands that may be necessary for the uses of  
70 the secondary system of state highways.

71 *Upon petition of a local governing body, the Commonwealth Transportation Board may transfer real*  
72 *estate acquired incidental to the construction, reconstruction, alteration, maintenance, or repair of the*  
73 *State Highway System which constitutes a section of public road, to the local governing body, and upon*  
74 *such transfer, such section of road shall cease being a part of the State Highway System.*

75 Any such conveyance shall have the approval of the Board by resolution recorded in the minutes of  
76 a meeting of the Board.