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**HOUSE BILL NO. 2094**

Offered January 8, 2003

Prefiled January 7, 2003

*A BILL to amend and reenact § 33.1-125 of the Code of Virginia, relating to eminent domain proceedings of the Commonwealth Transportation Commissioner; recovery of costs if amendment or invalidation of a certificate.*

Patron—Joannou

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 33.1-125 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-125. Reformation, alteration, revision, amendment or invalidation of certificate.

A. Upon the recordation of such certificate, no reformation, alteration, revision, amendment or invalidation shall be made for any purpose without the prior consent of the court wherein such certificate is recorded. The court or judge in vacation shall have jurisdiction to reform, alter, revise, amend or invalidate in whole or in part any certificate, to correct mistakes in the description of the property affected by such certificate, to correct the name or names of the owner or owners in the certificate, to correct any other error which may exist with respect to such certificate or for any other purpose. A petition filed by the Commissioner with the court setting forth any error made in such certificate, or the necessity of any change therein, shall be deemed sufficient basis for the reformation, alteration, revision, amendment or invalidation in whole or in part of such certificate. The court may enter an order permitting the reformation, alteration, revision, amendment or invalidation in whole or in part and such order, together with any revised certificate which may be necessary shall be spread in the current deed book. The filing of any certificate pursuant to the provisions of this section shall not alter the date of taking as established by the filing of the original certificate pursuant to § 33.1-122 as to any land which is included in the amended certificate, and no such amended certificate shall include any land not in the original certificate. Nothing herein contained shall be construed to prohibit or preclude any person damaged thereby, from showing in the proper proceeding the damage suffered by reason of such mistake or the invalidation of a certificate of deposit as herein provided.

B. *If the Commissioner reforms, alters, revises, amends or invalidates any certificate as provided in subsection A, the owner of the property described in the certificate shall be entitled to recover from the Commissioner the costs, including reasonable attorney, appraisal, engineering, and similar expert fees, of the owner as a result of the certificate as it existed prior to the reformation, alteration, revision, amendment or invalidation.*

INTRODUCED

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