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**SENATE BILL NO. 990**

Offered January 8, 2003

Prefiled January 7, 2003

*A BILL to amend and reenact § 15.2-1904 of the Code of Virginia, relating to condemnation; reimbursement of property taxes.*

Patrons—Mims, Byrne, Cuccinelli and Ticer; Delegates: Albo, Black, Bolvin, Callahan and Rust

Referred to Committee on Local Government

**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-1904 of the Code of Virginia is amended and reenacted as follows:**

§ 15.2-1904. Possession of property prior to condemnation; powers of Commonwealth Transportation Commissioner conferred.

A. When a condemnation is authorized by § 15.2-1901, a locality may enter upon and take possession of property before the conclusion of condemnation proceedings, using the procedures in §§ 33.1-119 through 33.1-132, for public purposes of streets and roads, drainage facilities, water supply and sewage disposal systems (including pipes and lines) and oyster beds and grounds and for any of the purposes set out in § 25-232.01, and the procedure may be, when the necessary changes have been made, the same as is prescribed in Article 7 (§ 33.1-89 et seq.) of Chapter 33.1 for condemnation proceedings by the Commonwealth Transportation Commissioner in the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth or § 33.1-229, or the same as prescribed in Chapter 1.1 (§ 25-46.1 et seq.) of Title 25. It is the intention of this section to provide that property may be condemned after the construction of a project, as well as prior thereto, and to identify the fund out of which the judgment of the court in condemnation proceedings shall be paid. However, no property of any public service corporation shall be condemned except in accordance with §§ 15.2-1906, 15.2-2146 through 15.2-2148 and 25-233.

B. In all other condemnation proceedings authorized by § 15.2-1901, property shall be acquired by condemnation proceedings in accordance with the procedure provided in Title 25.

C. Before entering and taking possession of any property, the locality shall pay into court or to the clerk thereof, for the property owner's benefit, such sum as the governing body estimates to be the fair value of the property taken and damage, if any, done to the residue. Such payment shall not limit the amount to be allowed under proper proceedings.

D. When a locality enters upon and takes possession of property before the conclusion of condemnation proceedings pursuant to the procedures in §§ 33.1-119 through 33.1-132, a certificate in lieu of payment may be issued by the governing body through its authorized designee, which certificate shall be countersigned by the locality's director of finance or authorized agent for availability of funds.

E. As soon as practicable after the date of payment of the purchase price or the date of deposit into court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is earlier, the locality shall reimburse the property owner for the pro rata portion of real property taxes paid for the period subsequent to the date of title vesting in the locality or the effective date of possession of the real property by the locality, whichever is earlier.

INTRODUCED

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