

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 25-46.5 of the Code of Virginia, relating to eminent domain; copy of*  
3 *report on status of title.*

4  
5 Approved

[S 995]

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 25-46.5 of the Code of Virginia is amended and reenacted as follows:**

8 § 25-46.5. Effort to purchase required; prerequisite to effort to purchase or filing certificate.

9 A. No proceedings shall be taken to condemn property until a bona fide but ineffectual effort has  
10 been made to acquire from the owner by purchase the property sought to be condemned, except where  
11 such consent cannot be obtained because of the incapacity of one or more of the owners or because one  
12 or more of such owners is unable to convey legal title to such property or is unknown or cannot with  
13 reasonable diligence be found within this Commonwealth.

14 B. Such bona fide effort shall include a written statement to the owner which explains the factual  
15 basis for the condemnor's offer, and include a copy of the appraisal of the property prepared pursuant to  
16 § 25-248 upon which such offer is based.

17 C. Notwithstanding any provision of law to the contrary, a condemnor, prior to making an offer to  
18 acquire a fee simple interest in property by purchase or filing a certificate of take or certificate of  
19 deposit pursuant to § 33.1-120 or § 33.1-121, shall (i) conduct or cause to be conducted an examination  
20 of title to the property in order to ascertain the identity of the owner or owners of such property and to  
21 determine the nature and extent of such owners' interests in the property and (ii) provide to such owner  
22 or owners a copy of the report of status of title.

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