

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 1 of Title 25.1 a section numbered*
3 *25.1-107, relating to condemnation of lands within conservation plans.*

4
5 Approved

[H 820]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding in Chapter 1 of Title 25.1 a section numbered**
8 **25.1-107 as follows:**

9 *§ 25.1-107. Condemnation of lands within adopted conservation or redevelopment plans.*

10 *A. After the adoption of a conservation or redevelopment plan pursuant to Article 7 (§ 36-48 et seq.)*
11 *of Chapter 1 of Title 36, should any property located within the area of the conservation or*
12 *redevelopment plan be downzoned without the expressed consent of the property owner and should the*
13 *locality initiate condemnation proceedings against that owner after any such downzoning, the date of*
14 *valuation shall be the date of adoption of the conservation or redevelopment plan. However, if the*
15 *owner of the property on the date of the downzoning no longer owns the property on the date*
16 *condemnation proceedings are initiated, then the date of valuation shall be the date of the filing of the*
17 *petition for a condemnation or a certificate pursuant to Chapter 3 of this title, as the case may be.*

18 *B. If property located within a conservation or redevelopment plan adopted pursuant to Article 7*
19 *(§ 36-48 et seq.) of Chapter 1 of Title 36 was downzoned without the expressed consent of the property*
20 *owner within a period of five years prior to the adoption of the conservation or redevelopment plan and*
21 *if such downzoning was not part of a comprehensive rezoning of the locality, then, if the locality should*
22 *initiate condemnation proceedings within five years after the adoption of the conservation or*
23 *redevelopment plan against the same owner who owned the property at the time of the downzoning, the*
24 *date of valuation shall be the day before the date the property was downzoned. However, if the owner*
25 *of the property on the date condemnation proceedings are initiated is not the same owner on the date*
26 *the property is downzoned, then the date of valuation shall be the date of the filing of a petition for*
27 *condemnation or a certificate pursuant to Chapter 3 (§ 25.1-300 et seq.) of this title, as the case may*
28 *be.*

29 *C. Where the date of valuation in condemnation proceedings governed by this section predates the*
30 *date of any downzoning action, the locality may introduce into evidence before the body determining*
31 *just compensation the estimated difference between the amount of real estate taxes that the owner would*
32 *have paid had the downzoning not occurred and the amount of real estate taxes assessed against the*
33 *property since the date of the downzoning and the body determining just compensation may offset the*
34 *award by that amount.*

ENROLLED

HB820ER