

# 2004 SESSION

INTRODUCED

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## HOUSE BILL NO. 835

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 33.1-132 of the Code of Virginia, relating to remedies of certain landowners whose property is condemned by the Commonwealth Transportation Commissioner.*

Patron—Drake

Referred to Committee on Transportation

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

#### **1. That § 33.1-132 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-132. Remedy of landowners under certain conditions.

Whenever the Commissioner enters upon and takes possession of property under the provisions of §§ 33.1-119 through 33.1-121 and has not instituted condemnation proceedings within 180 days after the recordation of a certificate as required by § 33.1-127, whether the construction of the highway project has been completed or not, the property owner may, if no agreement has been made with the Commissioner as to compensation and damage, if any, petition the circuit court of the county or the court of the city in which such cases are tried, and in which the greater portion of the property lies for the appointment of commissioners or a jury to determine just compensation for the property taken and damages done, if any. A copy of such petition shall be served upon the Commissioner at least 10 days before it is presented to the court, and the Commissioner shall file an answer thereto within five days after the petition is so presented. If it be found by the court that a reasonable time has elapsed for the completion of the construction of the highway project or that 60 days have elapsed since the completion of the construction of the highway project or that more than ~~one year~~ *180 days have* elapsed since the Commissioner entered upon and took possession of the property, without condemnation proceedings being instituted and without an agreement having been made between the property owner and the Commissioner as to compensation and damages, if any, commissioners or a jury shall be appointed to ascertain the amount of compensation to be paid for the property taken and damages done, if any. The proceedings shall thereafter be governed by the procedure prescribed by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 insofar as the same may be applicable.

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HB835