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SENATE BILL NO. 1094

Offered January 12, 2005

Prefiled January 12, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 5.1-34.1, relating to eminent domain in accident potential zones of Master Jet Base.*

 Patron—Stolle

 Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 5.1-34.1 as follows:**

§ 5.1-34.1. *Same; exercise of right of eminent domain in accident potential zones of master jet base.*

A. Any locality in which a United States Master Jet Base is located and any adjacent locality may, in addition to the powers provided in § 5.1-34, acquire property within an accident potential zone of the Master Jet Base, as designated on the official zoning map of the locality. A locality is granted full power to exercise the right of eminent domain in the acquisition of lands, easements, and privileges in or appurtenant to an accident potential zone as may be necessary to protect the public health, safety, and welfare. Nothing in this section shall prohibit the acquisition of easements restricting the use of an accident potential zone to uses that are consistent with the rules, regulations, or policies established by the Department of the Navy pertaining to the use of land within accident potential zones of the Master Jet Base.

B. The exercise of the power of eminent domain conferred by this section shall be in the same manner and pursuant to the procedures set forth in Chapter 2 (§ 25.1-200 et seq.) and Chapter 3 (§ 25.1-300 et seq.) of Title 25.1.

C. Property acquired in fee simple within an accident potential zone shall be used only for public purposes that are compatible with the rules, regulations, or policies established by the Department of the Navy pertaining to use of land within accident potential zones of the Master Jet Base. Any land, easement, or privilege acquired pursuant to the provisions of this section may be transferred by sale, gift, or lease, or other appropriate means to the United States or any department or agency of the United States. No property or interest therein acquired by or under threat of eminent domain pursuant to this authority shall be sold to a private party, other than the original owner or successor in title, and any transfer of interests to the United States or any department or agency of the United States shall contain a restriction with this provision.

D. Nothing in this section shall be construed to authorize any locality to acquire by condemnation property outside the territorial limits of such locality.

INTRODUCED

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