

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 25.1-108 of the Code of Virginia, relating to the right of the offer to*  
3 *repurchase.*

4  
5 Approved

[H 241]

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

7 **1. That § 25.1-108 of the Code of Virginia is amended and reenacted as follows:**

8 § 25.1-108. Offer of repurchase to former owner.

9 A. If a condemnor has acquired a fee simple interest in property by exercise of its power of eminent  
10 domain and subsequently declares that the property is surplus within 15 years of being vested with the  
11 title to such property, the condemnor shall offer, within 30 days following such determination, to sell  
12 such property to the former owner or his heirs or other successors or assigns of record, ~~unless the~~  
13 ~~former owner had waived his right to the offer of repurchase.~~ *The right to the offer of repurchase*  
14 *cannot be waived and any contractual provision or agreement waiving such right is void and*  
15 *unenforceable.* The offer to sell shall be made by the condemnor at the price paid by the condemnor to  
16 the former owner plus interest at the annual rate of six percent; provided that the condemnor may  
17 increase the price by the fair market value of the condemnor's improvements, determined at the time the  
18 offer to sell is made. In no case shall the price established by the condemnor exceed the fair market  
19 value of the property at the time the offer to sell is made. If no written response is received by the  
20 condemnor from the former owner within 90 days after the offer to sell has been made, the former  
21 owner shall be deemed to have waived his right to the offer of repurchase.

22 Nothing in this section shall be construed to require a condemnor to offer to sell property the  
23 condemnor has acquired by the exercise of its eminent domain to a former owner after 15 years from  
24 the date that the condemnor is vested with the title to such property.

25 B. Notice of the offer to repurchase shall be sent by certified mail to (i) the last known address of  
26 the former owner and (ii) the address of the last owner of record as it appears in the tax records of the  
27 local treasurer.

28 C. This section shall not apply to property acquired by the Commonwealth Transportation  
29 Commissioner pursuant to Title 33.1.

ENROLLED

HB241ER