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HOUSE BILL NO. 923

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend and reenact § 25.1-101 of the Code of Virginia, relating to compensation for condemned property.*

Patrons—Landes, Athey, Callahan, Cosgrove, Dudley, Gear, Gilbert, Marshall, D.W., Morgan, Oder, Rust, Scott, E.T., Wittman and Wright

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-101 of the Code of Virginia is amended and reenacted as follows:

§ 25.1-101. Condemnation by state institutions.

A. Any state institution may acquire by condemnation title to (i) land, (ii) any easement thereover or (iii) any sand, earth, gravel, water or other necessary material for the purpose of opening, constructing, repairing or maintaining a road or for any other authorized public undertaking; however, such acquisition by condemnation shall only be commenced if the terms of purchase cannot be agreed upon or the owner (a) is unknown, (b) cannot with reasonable diligence be found within this Commonwealth or (c) cannot negotiate an agreement or convey legal title to the property because the owner is a person under a disability.

B. Condemnation proceedings authorized by subsection A shall be conducted under the provisions of Chapter 2 (§ 25.1-200 et seq.) of this title insofar as applicable.

C. *An owner whose property is taken pursuant to the power of eminent domain shall be entitled to compensation for the property taken and damages to the property not taken, regardless of whether the taking is temporary or permanent. Such owner shall also be entitled to compensation for business losses resulting from the taking and any damages to the property not taken resulting from construction activities.*

In any case in which a condemnor exercises the power of eminent domain to take property, the court, commissioners, or jury shall consider the restriction, change, or loss of access to any adjacent highway as an element in assessing the damages. As used in this section, "restriction, change, or loss of access" includes, but is not limited to, the prohibition of making right or left turns into or out of the property involved, provided that such access was present before the proposed taking.

INTRODUCED

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