

2007 SESSION

INTRODUCED

070953428

HOUSE BILL NO. 2782

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend the Code of Virginia by adding a section numbered 28.2-1200.1, relating to the conveyance of state-owned bottomlands.*

Patron—Morgan

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 28.2-1200.1 as follows:

§ 28.2-1200.1. Conveyance of state-owned bottomlands.

A. In order to fulfill the Commonwealth's responsibility under Article XI of the Constitution of Virginia to conserve and protect public lands for the benefit of the people, the Commonwealth shall not convey fee simple title to state-owned bottomlands covered by waters. However, the Commonwealth may grant a lease, easement, or other limited interest in state-owned bottomlands covered by waters pursuant to § 28.2-1208 or as long as the property is used by a governmental entity for the performance of a governmental activity, as defined in § 28.2-1300 and § 28.2-1400.

B. The Commonwealth may convey fee simple title to state-owned bottomlands that have been filled only if those lands were filled pursuant to (i) a statutorily authorized use, (ii) a permit issued by the Commission, or (iii) other governmental approval deemed acceptable by the Commission. The prospective owner shall compensate the Commonwealth in an amount equal to fair market value of the property, substantiated by an appraisal obtained by the prospective owner that is prepared by a certified general real estate appraiser licensed in accordance with Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1.

C. Any conveyance of a property interest under this section shall be in a form approved by the Attorney General and subject to the terms and conditions deemed proper by the Commission.

D. No conveyance shall be made under this section except by an act of assembly specifically describing the property to be conveyed.

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