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HOUSE BILL NO. 1317

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend the Code of Virginia by adding a section numbered 28.2-1200.2, relating to the conveyance of subaqueous lands.

Patron—Alexander

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 28.2-1200.2 as follows:****§ 28.2-1200.2. Determination of ownership interest in state-owned bottomlands.**

If it is uncertain whether property is, or rests upon, state-owned bottomlands, a landowner may request a hearing before the Commission to determine whether the Commonwealth has any claim of ownership in the property under § 28.2-1200. The Commission shall determine, in writing, whether the Commonwealth maintains an interest in the property as state-owned bottomlands. Any determination that the Commonwealth does not have a claim of ownership under § 28.2-1200 shall be conclusive as to that fact.

2. That the Marine Resources Commission is hereby authorized to sell and convey on behalf of the Commonwealth to Thornton Hall of Norfolk, LLC, and its successors and assigns, upon such terms and conditions as are deemed proper by the Commission pursuant to § 28.2-1200.1 of the Code of Virginia, with the approval of the Governor and in a form approved by the Attorney General, such rights, title, and interest as the Commonwealth may have in a piece or parcel of previously filled subaqueous land in the City of Norfolk, Virginia, being more particularly described as follows: Commencing at an iron rod found at the intersection of the southern line of Norview Avenue with the western line of the right-of-way of the Norfolk and Western Railroad (formerly Virginian Railroad). Thence from the point of beginning, South 11 degrees 22 minutes 00 seconds East a distance of 434.00 feet to a point at the approximate 103 Contour (City of Norfolk Datum); thence running along the approximate 103 Contour and the Lafayette River the following five courses: South 79 degrees 22 minutes 50 seconds West a distance of 140.18 feet to a point; thence North 83 degrees 56 minutes 00 seconds West a distance of 110.50 feet to a point; thence North 61 degrees 37 minutes 30 seconds West a distance of 100.13 feet to a point; thence North 47 degrees 27 minutes 00 seconds West a distance of 101.98 feet to a point; thence North 18 degrees 24 minute 00 seconds West a distance of 131.23 feet to a point; thence departing from the approximate 103 Contour North 31 degrees 14 minutes 30 seconds East a distance of 272.50 feet to an iron rod found; thence South 58 degrees 45 minutes 30 seconds East a distance of 105.59 feet to an iron rod found; thence North 31 degrees 14 minutes 30 seconds East a distance of 82.67 feet to a rod set; thence along the southern right-of-way of Norview Avenue in a curve to the left having a radius of 1,000.00 feet and an arc length of 81.69 feet, a chord bearing of South 62 degrees 09 minutes 01 seconds East, and a chord distance of 81.66 feet to a point; thence continuing along the southern right-of-way line of Norview Avenue South 58 degrees 45 minutes 30 seconds East a distance of 23.48 feet to an iron rod found, marking the point of beginning. The described subaqueous property contains an approximate total area of 157,470 square feet, or 3.615 acres, more or less.

3. That the Marine Resources Commission is hereby authorized to sell and convey on behalf of the Commonwealth to Thornton Hall Inc, and its successors and assigns, upon such terms and conditions as are deemed proper by the Commission pursuant to § 28.2-1200.1 of the Code of Virginia, with the approval of the Governor and in a form approved by the Attorney General, such rights, title, and interest as the Commonwealth may have in a piece or parcel of previously filled subaqueous land in the City of Norfolk, Virginia, being more particularly described as follows: Commencing at an iron rod found at the intersection of the southern line of Norview Avenue with the western line of the right-of-way of the Norfolk and Western Railroad (formerly Virginian Railroad). Thence along the southern right-of-way line of Norview Avenue in a westerly direction a distance of 105.17 feet to a rod set being the point of beginning. Thence from the point of beginning, South 31 degrees 14 minutes 30 seconds West a distance of 82.67 feet to an iron rod found; thence North 58 degrees 45 minutes 30 seconds West a distance of 105.59 feet to an iron rod found; thence North 31 degrees 14 minutes 30 seconds East a distance of 82.50 feet to an iron rod found; thence North 58 degrees 45 minutes 30 seconds West a distance of 87.24 feet to a point

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59 at the P.C. of a curve to the left having a radius of 1,000.00 feet and an arc length of 18.35 feet, a
60 chord bearing of South 59 degrees 10 minutes 04 seconds East, and a chord distance of 18.35 feet
61 to the rod set, being the point of beginning. The described subaqueous property contains an
62 approximate total area of 8,712 square feet, or 0.200 acres, more or less.