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SENATE BILL NO. 254**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice
on January 30, 2008)

(Patron Prior to Substitute—Senator Ruff)

A *BILL* authorizing the Department of Conservation and Recreation to grant an easement across a portion of the Staunton River State Park in exchange for the extinguishment of an existing right-of-way easement.

Be it enacted by the General Assembly of Virginia:

1. § 1. That in accordance with and as evidence of General Assembly approval pursuant to § 10.1-109 of the Code of Virginia, the Department of Conservation and Recreation is hereby authorized to convey to William MacCarty, his successors and assigns (the "Grantee"), upon terms and conditions as the Department deems proper, and with the approval of the Governor and in a form approved by the Attorney General, all as required by § 10.1-109 of the Code of Virginia, a perpetual non-exclusive right-of-way easement across a portion of Staunton River State Park, identified as tax map parcel 01-1MM-19-5040 in Halifax County, so that the Grantee may access his property, identified as tax map parcel 01-1MM-21-5112B in Halifax County. Such easement shall be 20 feet in width and in the location described on a plat of survey made by Precision Measurements, Inc. and signed by Brian M. Long entitled "Plat of 20' Access Easement for the benefit of MacCarty," dated March 22, 2007, or of a width and in such location as the Department deems proper and as evidenced by a physical survey.

§ 2. The purpose of this conveyance is to allow the Grantee to access his property in a manner advantageous to the Department and the Grantee. In consideration for such conveyance, the Department shall require the extinguishment of an existing right-of-way easement currently held by the Grantee across Staunton River State Park. The conveyance shall also comply with the requirements of the federal Land and Water Conservation Fund Act (16 U.S.C. § 4601-4 et seq.).