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HOUSE BILL NO. 1113

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources)

(Patron Prior to Substitute—Delegate Toscano)

House Amendments in [ ] — February 10, 2012

A BILL to authorize the Department of Conservation and Recreation to negotiate a land exchange of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.

Whereas, the Department of Conservation and Recreation (the Department) acquired the 1,191-acre Biscuit Run tract (the Park Property) for a state park by Deed, dated December 28, 2009, recorded in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 3835, at Page 706 ff., (the Deed of Bargain and Sale), utilizing [*federal*] funds [~~provided by a federal Transportation Enhancement grant~~] administered by the Virginia Department of Transportation; and

Whereas, the deed of conveyance perpetually limited the use of the Park Property to outdoor recreation or education of the general public or for open-space protection, which restrictions may only be extinguished with judicial approval; and

Whereas, the Park Property borders a 100-acre parcel of the Habitat Property owned by Southwood Charlottesville, LLC, a wholly owned subsidiary of Habitat for Humanity of Greater Charlottesville (Habitat); and

Whereas, a portion of the Habitat Property may have significant conservation value pending the outcome of site analysis by the Department, and may enhance the Park Property by providing a natural buffer area for the Park Property, watershed protection, or additional recreational opportunities; and

Whereas, a portion of the Park Property, if transferred to Habitat, can enhance the efficient utilization of the Habitat Property and provide some community amenities that would not be permitted in the Park; and

Whereas, both the Department and Habitat are interested in facilitating the orderly redevelopment of the Habitat Property in a manner consistent with the Albemarle County Comprehensive Plan and the findings of the County of Albemarle Community Recreational Facilities, Needs Assessment Study; and

Whereas, Albemarle County has, by resolution, expressed its interest in facilitating said redevelopment and the improvement of the natural buffers between the Habitat Property and the Park Property; now, therefore,

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 Southwood Charlottesville, LLC, its successors and assigns upon terms and conditions as the Department and the grantee deem proper, with the approval of the Governor and in a form approved by the Attorney General, all of its right, title, and interest in certain acreage, being a part of the Park Property in Albemarle County, Virginia, owned by the Department, or such other parcel or parcels of land in proximity to the Biscuit Run property that the Department acquires for the purpose of this exchange (the Exchange Property). The acreage and boundaries of the Exchange Property shall be determined by mutual agreement of the Department and the grantee. Such acreage and boundaries shall be approved by the Director of the Department of General Services. The Exchange Property shall continue to be subject to all the restrictions contained in the Deed of Bargain and Sale unless such restrictions are extinguished, with judicial approval if necessary, in accordance with § 10.1-1704 of the Code of Virginia.*

§ 2. That in exchange for such conveyance, the Department is authorized to receive, subject to the approval of the Governor and in a form approved by the Attorney General in accordance with § 2.2-1149 of the Code of Virginia, all the respective right, title, and interest in a portion of the Habitat Property, or such other parcel or parcels of land adjacent to the Biscuit Run property that Habitat acquires for the purpose of this exchange, the boundaries of which shall be determined by mutual agreement of the Department and Southwood Charlottesville, LLC. The boundaries of such parcel shall be approved by the Director of the Department of General Services. The Virginia Department of Transportation shall review and concur that the property received [~~*in § 2 complies with the requirements for conversion of property acquired with Transportation Enhancement Funds as provided in 16 U.S.C. § 4601-8(f)(3)*~~ *under this § 2 complies with all applicable federal requirements for conversion of property acquired with federal funds*] .

§ 3. The monetary value of the Exchange Property shall be calculated as if the Exchange Property were unrestricted by the terms of the Deed of Bargain and Sale.

§ 4. The purpose of this exchange is to enhance the Park Property in a manner consistent with the mission of the Department and its state park system and the adjacent residential development consistent

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with the Albemarle County Comprehensive Plan.