

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 28.2-628 of the Code of Virginia, relating to condemnation of privately leased oyster grounds.

[H 1092]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-628 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-628. Condemnation of oyster bottoms and grounds.

The Department of Transportation and any ~~county, city, or town~~ *locality* shall have the right by eminent domain, to acquire any right or interest, partial or complete, in and to any oyster bottoms, oyster-planting grounds, or interest therein necessary for the purpose of such Department or ~~county, city, or town~~ *locality*. The procedure in such cases shall conform to the provisions of Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. *However, a locality shall not exercise the right by eminent domain to acquire any right or interest, partial or complete, in and to any oyster-planting grounds leased pursuant to Article 1 (§ 28.2-600 et seq.) or 2 (§ 28.2-603 et seq.) of Chapter 6, other than a water-dependent linear wastewater project where there is no practical alternative and the project is subject to permitting under the State Water Control Law (§ 62.1-44.2 et seq.).*

The Department of Conservation and Recreation shall have the same right of eminent domain against the same properties as previously described, where the purpose of the condemnation is to provide for a navigational improvement benefiting the Commonwealth and not limited to purposes of any particular ~~county, city, or town~~ *locality*.