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HOUSE BILL NO. 652

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Counties, Cities and Towns
on January 31, 2014)

(Patron Prior to Substitute—Delegate LaRock)

A BILL to amend and reenact §§ 15.2-3107 and 15.2-3108 of the Code of Virginia, relating to boundary adjustments.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-3107 and 15.2-3108 of the Code of Virginia are amended and reenacted as follows:
§ 15.2-3107. Publication of agreed boundary line.

Before adopting an agreement pursuant to § 15.2-3106, each governing body shall provide written notice, by certified mail, to each affected landowner and shall advertise its intention to approve such an agreement at least once a week for two successive weeks in a newspaper having general circulation in its locality, and such notice shall include a descriptive summary of the proposed agreement. For purposes of this article, "affected landowner" means the owner of any real property that is the subject of the boundary relocation or change, as shown on the current real estate tax assessment records. The summary shall describe the new boundary, but need not include a metes and bounds description. The publication shall include a statement that a copy of the agreement is on file in the office of the clerk of the governing body which is considering the proposed agreement. A joint publication of the proposed agreement by the localities which otherwise meets the requirements of this section shall satisfy this requirement. If joint publication is used, the publication costs shall be apportioned between the participating localities in the manner agreed upon by them. After providing the notice required by this section, each locality shall hold at least one public hearing on the agreement prior to its adoption.

§ 15.2-3108. Petition and hearing; recordation of order; costs.

Within a reasonable time after a voluntary boundary agreement is adopted by the affected localities, each affected locality shall petition the circuit court for one of the affected localities to approve the boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed; (ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) regarding the boundary between the Counties of Louisa and Goochland, a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates, South Zone, meeting National Geodetic Survey standards.

Affected landowners shall have standing to intervene as parties to the action whenever at least one-third of the total number of landowners affected by the proposed boundary change file a petition to intervene. The landowners must petition the court within 90 days after notice is properly delivered by certified mail to all affected landowners.

If the court finds that the procedures required by § 15.2-3107 have been complied with, that there is no conflict with Article I, Section 11 of the Constitution of Virginia, and that the petition is otherwise in proper order, the court shall enter an appropriate order establishing the new boundary. The order shall include a plat depicting the change in the boundaries of the locality, a metes and bounds description of the new boundary line of the locality, or, regarding the boundary between the Counties of Louisa and Goochland, a GIS map depicting the change in the boundaries of the localities that includes the Virginia State Plane, South Zone coordinates, and that order shall be entered in the land records of the court and indexed in the names of the localities which were involved. Costs shall be awarded as the court may determine. Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the court.

HOUSE SUBSTITUTE

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