

14103358D

HOUSE BILL NO. 738

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 25.1-107.1, relating to agreements to obtain land for conservation easements.*

Patron—Lingamfelter

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered § 25.1-107.1 as follows:****§ 25.1-107.1. Agreements to obtain land for conservation easements; consent required; inverse condemnation.**

A. In any instance where the Commonwealth, or any political subdivision thereof possessing the power of eminent domain, for the purpose of mitigating or buffering the impact of an acquisition of land for the purpose of public road construction, enters into an agreement to (i) obtain a conservation easement on the property of a landowner who is not a party to the agreement or (ii) designate an area consisting of private property upon which conservation easements would be imposed, the Commonwealth shall first obtain the consent of all private landowners whose property would be the subject of the matters in clause (i) or (ii), and any such landowner whose consent is not obtained shall have a cause of action against the Commonwealth for inverse condemnation arising immediately upon the Commonwealth's execution of an agreement as referred to in clause (i) or (ii). The agreement shall be prima facie proof that the landowner's property was taken or damaged for the purposes of initiating such action and the landowner may be awarded compensation in accordance with § 25.1-230 and costs in accordance with § 25.1-420.

B. Clause (ii) of subsection A shall apply only to a claim for inverse condemnation brought (i) by the person who was the record owner of the property on the date the Commonwealth entered into such an agreement as referred to in subsection A or (ii) if the person who was the record owner of the property on the date the Commonwealth entered into the agreement as referred to in subsection A and sold such property without pursuing such claim, by the purchaser of the property from such record owner of the property on the date the Commonwealth entered into the agreement to obtain a conservation easement on the property if such purchaser had no actual knowledge of the Commonwealth's agreement to obtain such conservation easement.

INTRODUCED

HB738