

2017 SESSION

INTRODUCED

17100907D

SENATE BILL NO. 1153

Offered January 11, 2017

Prefiled January 9, 2017

A *BILL to amend and reenact § 25.1-420 of the Code of Virginia, relating to inverse condemnation proceeding; reimbursement of owner's costs.*

Patrons—Obenshain, Petersen and Suetterlein

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-420 of the Code of Virginia is amended and reenacted as follows:

§ 25.1-420. Reimbursement of owner for costs incurred in inverse condemnation proceeding.

If a declaratory judgment proceeding is instituted pursuant to § 8.01-187 by the owner of any right, title or interest in real property because of use of his property in any program or project undertaken by a state agency, and either (i) the court renders a judgment for the plaintiff in such proceeding and awards compensation for the *damaging or* taking of property or (ii) the Attorney General effects a settlement of any such proceeding in which the Commonwealth is a party, the court or Attorney General, as appropriate, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will, in the opinion of the court or the Attorney General, as the case may be, reimburse such plaintiff for his reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred because of such proceeding.

2. That the provisions of this act shall not apply to declaratory judgment proceedings filed prior to July 1, 2017.

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