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HOUSE BILL NO. 2309

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend the Code of Virginia by adding a section numbered 28.2-1200.2, relating to Marine Resources Commission; grant of interest in subaqueous lands; federal civil works project; report.*

Patron—Stolle

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 28.2-1200.2 as follows:

§ 28.2-1200.2. Granting easement in or title to the beds of certain waters; report.

A. The Commonwealth may, upon such terms and conditions as the Commission deems proper and with the approval of the Attorney General and the Governor, grant to a political subdivision of the Commonwealth (i) a temporary easement and right-of-way of a reasonable width over the beds of the waters of the Commonwealth, (ii) a permanent easement and right-of-way over the beds of the waters of the Commonwealth, or (iii) fee simple title to a specified portion of the beds of the waters of the Commonwealth.

Such grant shall be made only to a political subdivision of the Commonwealth that is acting in the capacity of an official nonfederal sponsor, with the U.S. Army Corps of Engineers, of a federally authorized civil works project, and it shall be made only as necessary for the purpose of installing, constructing, maintaining, repairing, operating, or removing such project.

B. Every right or interest in subaqueous land granted pursuant to this section shall be in a written instrument that is (i) executed for, and in the name and on behalf of, the Commonwealth by the Attorney General; (ii) is countersigned by the Governor; and (iii) describes by metes and bounds the beds of the waters in which the right or interest is granted. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such instrument and other documents as may be necessary to accomplish the grant.

C. No political subdivision of the Commonwealth that is granted any right or interest in subaqueous lands pursuant to this section shall convey such right or interest except to the Commonwealth. If an easement conveyed pursuant to this section ceases to be used as provided in the grant instrument required pursuant to subsection B, the easement shall revert to the Commonwealth.

D. Prior to December 1 of each year, the Commissioner shall make a report to the General Assembly on all grants made pursuant to this section during the preceding 12 months.

INTRODUCED

HB2309