

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 377

*An Act to amend the Code of Virginia by adding in Chapter 26 of Title 55 a section numbered 55-516.2, relating to the Property Owners' Association Act; eminent domain.*

[H 1872]

Approved March 18, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 26 of Title 55 a section numbered 55-516.2 as follows:**

*§ 55-516.2. Condemnation of common area; procedure.*

*When any portion of the common area is taken or damaged under the power of eminent domain, any award or payment therefor shall be paid to the association, which shall be a party in interest in the condemnation proceeding.*

*Except to the extent the declaration or any rules and regulations duly adopted pursuant thereto so provide, the board of directors shall have the authority to negotiate with the condemning authority and agree to an award or payment amount with the condemning authority without instituting condemnation proceedings.*

*A member of the association, by virtue of his membership, shall be estopped from contesting the action of the association in any proceeding held pursuant to this section.*