

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 93

An Act to amend and reenact § 33.1-90 of the Code of Virginia, relating to acquisition of real property for transportation projects.

[H 2196]

Approved March 3, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-90 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-90. Acquisition of real property which may be needed for transportation projects.

When the Commonwealth Transportation Commissioner determines that any real property will be required in connection with the construction of a ~~highway transportation~~ project, or project as defined in § 33.1-268, within a period not exceeding twelve years for the Interstate Highway System or ten years for any other highway system *or transportation project* from the time of such determination, and that it would be advantageous to the Commonwealth to acquire such real property, he may proceed to do so. The Commonwealth Transportation Commissioner may lease any real property so acquired to the owner from whom such real property is acquired, if requested by him, *and if not so requested, to another person* upon such terms and conditions as in the judgment of the Commissioner may be in the public interest. ~~In the event that~~ *If the highway transportation project contemplated, or project as defined in § 33.1-268, contemplated* has not been let to contract or construction commenced within a period of twenty years from the date of the acquisition of such property *and a need for the use of such property has not been determined for any alternative transportation project*, upon written demand of the owner or owners, their heirs or assigns, *received within ninety days from the expiration of such twenty-year period or such extension as provided for in this section or within thirty days from publication in a newspaper of general circulation in the political subdivision in which the property is located of a notice of the Commissioner's intent to dispose of such property and shall notify to the extent practical, the last known owner(s) of said property by certified mail,* such property shall be reconveyed by the Commonwealth of Virginia to such owner or owners, their heirs or assigns, upon repayment of the original purchase price, without interest. ~~Any such contract shall provide for completion within three years. Unless the reconveyance is concluded no later than six months from the receipt by the Commissioner of a written demand, the reconveyance opportunity shall lapse.~~ However, the twenty-year limit established by this section within which the Department must let to contract or begin construction in order to avoid reconveyance shall be extended by the number of days of delay occasioned by litigation involving the project or by the failure of the Commonwealth to receive anticipated federal funds for such project. The twenty-year limit may also be extended in those instances when a project is included in the six-year improvement program of the Commonwealth Transportation Board or the six-year improvement program for secondary roads prepared by the county boards of supervisors and where steps have been taken to move forward. Nor shall such reconveyance be required for rights-of-way acquired for future ~~street and highway transportation~~ improvements at the request of local governing bodies; or for rights-of-way acquired for state construction designed to provide future additional lanes; *or other enhancements to existing transportation facilities service roads or interchanges.*