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HOUSE BILL NO. 213

Offered January 15, 1998

A BILL to amend and reenact § 2.7 as amended of Chapter 319 of the Acts of Assembly of 1966, which provided a charter for the City of Fairfax, relating to eminent domain.

Patrons—Rust and Devolites; Senators: Barry and Woods

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 2.7 as amended of Chapter 319 of the Acts of Assembly of 1966 is amended and reenacted as follows:

§ 2.7. Eminent Domain.

The powers of eminent domain set forth in Title ~~15.1~~ 15.2, Title 25, Chapter 1.1 and Title 33.1, Chapter 1, of the 1950 Code of Virginia, as amended, and all acts amendatory thereof and supplemental thereto, mutatis mutandis, are hereby conferred upon the City of Fairfax.

(a) In any case in which a petition for condemnation is filed by or on behalf of the City, a true copy of a resolution or ordinance duly adopted by the City Council declaring the necessity for any taking or damaging of any property, within or without the City, for the public purposes of the City, shall be filed with the petition and shall constitute sufficient evidence of the necessity of the exercise of the powers of eminent domain by the City. The City may employ the procedures conferred by the foregoing laws, mutatis mutandis, and may, in addition thereto, proceed as hereinafter provided.

(b) Certificates issued pursuant to §§ 33.1-121 to 33.1-129, inclusive, and 33.1-119, Code of Virginia, 1950, as amended, and acts amendatory thereof and supplemental thereto, may be issued by the City Council, signed by the Mayor and countersigned by the City Treasurer. Such certificate shall have the same effect as certificates issued by the ~~State Highway and~~ *Commonwealth* Transportation Commissioner, under the aforesaid laws, and may be issued in any case in which the City proposes to acquire property of any kind by the exercise of its powers of eminent domain for any lawful public purpose, whether within or without the City; provided, however, that the provisions of § 33.1-119, Code of Virginia, 1950, as amended, shall not be used for the acquisition of lands, easements or related interests in property located outside of the City except for the acquisition of said interests necessary for streets, water, sewer or utility pipes or lines or related facilities.

(c) In addition to the powers conferred by the aforesaid laws, such certificates may be amended or cancelled by the Court having jurisdiction of the proceedings, upon petition of the City, at any time after the filing thereof, provided that the Court shall have jurisdiction to make such order for the payment of costs and damages, if any, or the refund of any excessive sums theretofore paid pursuant to such certificate as shall, upon due notice and hearing, appear just. The Court shall have jurisdiction to require refunding bonds, for good cause shown by the City or any other person or party in interest, prior to authorizing any distribution of funds pursuant to any certificate issued or deposit made by the City.

(d) *Further, the city may exercise the power of eminent domain as provided in either Title 15.2, Title 25 or Title 33.1 for revitalization of blighted commercial properties including the authority to issue certificates and take immediate title pursuant to § 33.1-119 and §§ 33.1-121 through 33.1-129 of Title 33.1.*

INTRODUCED

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