

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-90 of the Code of Virginia, relating to acquisition of property for*
3 *transportation projects; sale of land determined not to be needed.*

4
5 Approved

[H 785]

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

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

8 § 33.1-90. Acquisition of real property which may be needed for transportation projects; sale of
9 certain real property.

10 A. When the Commonwealth Transportation Commissioner determines that any real property will be
11 required in connection with the construction of a transportation project, or project as defined in
12 § 33.1-268, within a period not exceeding twelve years for the Interstate Highway System or ten years
13 for any other highway system or transportation project from the time of such determination, and that it
14 would be advantageous to the Commonwealth to acquire such real property, he may proceed to do so.
15 The Commonwealth Transportation Commissioner may lease any real property so acquired to the owner
16 from whom such real property is acquired, if requested by him, and if not so requested, to another
17 person upon such terms and conditions as in the judgment of the Commissioner may be in the public
18 interest. If the transportation project contemplated, or project as defined in § 33.1-268, has not been let
19 to contract or construction commenced within a period of twenty years from the date of the acquisition
20 of such property and a need for the use of such property has not been determined for any alternative
21 transportation project, upon written demand of the owner or owners, their heirs or assigns, received
22 within ninety days from the expiration of such twenty-year period or such extension as provided for in
23 this section or within thirty days from publication in a newspaper of general circulation in the political
24 subdivision in which the property is located of a notice of the Commissioner's intent to dispose of such
25 property and shall notify to the extent practical, the last known owner(s) of said property by certified
26 mail, such property shall be reconveyed by the Commonwealth of Virginia to such owner or owners,
27 their heirs or assigns, upon repayment of the original purchase price, without interest. Unless the
28 reconveyance is concluded no later than six months from the receipt by the Commissioner of a written
29 demand, the reconveyance opportunity shall lapse. However, the twenty-year limit established by this
30 section within which the Department must let to contract or begin construction in order to avoid
31 reconveyance shall be extended by the number of days of delay occasioned by litigation involving the
32 project or by the failure of the Commonwealth to receive anticipated federal funds for such project. The
33 twenty-year limit may also be extended in those instances when a project is included in the six-year
34 improvement program of the Commonwealth Transportation Board or the six-year improvement program
35 for secondary roads prepared by the county boards of supervisors and where steps have been taken to
36 move forward. ~~No shall~~ No such reconveyance shall be required for rights-of-way acquired for future
37 transportation improvements at the request of local governing bodies; or for rights-of-way acquired for
38 state construction designed to provide future additional lanes or other enhancements to existing
39 transportation facilities.

40 B. If any real property acquired under this article for use in connection with a transportation project
41 is subsequently offered for sale by the Department and such property is suitable for independent
42 development, the Department shall offer the property for sale at fair market value to the owner from
43 whom it was acquired, before such property is offered for sale to any other person. The Commissioner
44 shall notify, to the extent practicable, the last known owner of such property by certified mail, and the
45 owner shall have thirty days from the date of such notice to advise the Commissioner of his interest in
46 purchasing the property. The purchase of the property by the owner from which it was acquired is to be
47 concluded no later than six months from the receipt by the Commissioner of a written notice, or the
48 purchase opportunity shall lapse. The provisions of this subsection shall apply only to property to which
49 the provisions of subsection A of this section do not apply.

ENROLLED

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