

1999 SESSION

INTRODUCED

992519362

HOUSE BILL NO. 2031

Offered January 19, 1999

A BILL to amend the Code of Virginia by adding a section numbered 33.1-18.1, relating to notification and remuneration required when certain property is acquired by the Department of Transportation.

Patrons—Moran and Van Landingham; Senator: Ticer

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.1-18.1 as follows:

§ 33.1-18.1. Purchase of certain real property by Department.

A. The Commonwealth Transportation Board shall not purchase any real property until the Department of Transportation has (i) published, in a newspaper published or having general circulation in the county, city, or town in which the real property is located, a notice of its willingness to hold a public hearing on the matter, (ii) notified the governing body of the county, city, or town in which the real property is located of its willingness to hold a public hearing on the matter, and (iii) held a public hearing, if one has been requested. If a public hearing is requested, written notice of the time and place of the hearing shall be given, not less than thirty days prior to the hearing, to the governing body of the county, city, or town in which the real property is located. Not less than thirty days prior to the hearing, a notice of the time and place of the hearing shall also be published by the Department of Transportation at least once in a newspaper published or having a general circulation in the county, city, or town in which the real property is located. During the public hearing, the Board shall also receive testimony from the public on any remuneration that should be awarded to the county, city, or town by the Board to compensate for the loss of real property taxes and economic development potential as a result of the Board's action. Following the public hearing, if one is held as provided in this section, the Department of Transportation shall notify the local governing body of the affected county, city, or town, of the Commonwealth Transportation Board's decision regarding the purchase of the real property and its plans, if any, for remunerating the county, city, or town.

B. The provisions of this section shall not apply to any real property acquired (i) solely for the purpose of locating and establishing routes, pursuant to subdivision (1) of § 33.1-12 of this Code, provided the Board has followed the procedures set out in § 33.1-18 for such an acquisition or (ii) through the exercise of the power of eminent domain under Article 7 (§ 33.1-89 et seq.) of this chapter.

INTRODUCED

HB2031