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HOUSE JOINT RESOLUTION NO. 490

House Amendments in [] — February 7, 1999

Requesting the Department of Transportation to study certain condemnations and associated issues.

Patron—Robinson

Referred to Committee on Rules

WHEREAS, the Commonwealth has established procedures to provide for reasonable compensation to property owners whose land is taken by the Department of Transportation through condemnation; and

WHEREAS, the [~~condemnation~~] process provides limited compensation to businesses whose leased property is taken by the Department; and

WHEREAS, Virginia's condemnation process fails to provide sufficient compensation to permit certain businesses located and operating on leased property to relocate; and

WHEREAS, when the property leased by a service station operator is taken by the Department through the condemnation process and the service station operator is unable to relocate his business, his inability to relocate his business may result in reduced tax revenue to the Commonwealth, including but not limited to state motor fuel taxes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Transportation be requested to study certain condemnations and associated issues. The study shall include reviewing the process by which it acquires property through condemnation and the desirability and feasibility of providing appropriate compensation to the operators of businesses located on leased property taken by the Department through condemnation, when those business operators are unable to relocate. In carrying out this study, the Department shall specifically consider and make recommendations concerning means to protect the interests of the Commonwealth and those of the land owner while also providing for compensation to gasoline retail outlet owners and operators who are unable reasonably to relocate their businesses displaced as the result of the Department's condemnation of the property on which the businesses were located. The Department shall include representatives of organizations representing gasoline retailers, refiners, and petroleum distributors in the conduct of its study.

The Department of Transportation shall complete its work in time to submit its findings and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

ENGROSSED

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