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## HOUSE BILL NO. 2167

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on February 2, 2011)

(Patron Prior to Substitute—Delegate Abbitt)

*A BILL to authorize the Department of Conservation and Recreation to negotiate a land exchange of certain parcels in an area known as Biscuit Run in Albemarle County, Virginia.*

Whereas, the Department of Conservation and Recreation acquired the 1,191-acre Biscuit Run tract (the Property) for a state park; and

Whereas, the deed of conveyance perpetually limited the use of the Property to outdoor recreation or education of the general public or for open-space protection; and

Whereas, the Property surrounds a 36-acre in-holding, the location of which is detrimental to the operation of a state park; and

Whereas, the Property and the 36-acre in-holding are equivalent types of land with equivalent value for park, recreational, educational, and open-space use, but the location of the 36 acres in the middle of the park may be detrimental to park use; now, therefore,

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

1. § 1. That in accordance with and as evidence of General Assembly approval pursuant to § 10.1-109 of the Code of Virginia, and after judicial approval, as required by the deed of December 28, 2009, the Department of Conservation and Recreation (the Department) is hereby authorized to convey to Muffin Trodding, LLC, Yancey Hardtimes, LLC, and Ms. Elizabeth Breeden, their successors and assigns, separately or together, upon terms and conditions as the Department and the grantees deem proper, and with the approval of the Governor and in a form approved by the Attorney General, all of its right, title, and interest in a parcel or parcels of land that are a part of the 1,191 acres, more or less, known as Biscuit Run in Albemarle County, Virginia, owned by the Department, or such other parcel or parcels of land in proximity to the Biscuit Run property that the Department acquires for the purpose of this exchange. The acreage and boundaries of such parcels shall be determined by mutual agreement of the Department and the grantees, but in no instance shall the negotiated monetary value of the property conveyed from the Property, if unrestricted by the terms of the Deed of Bargain and Sale, exceed the value of the property and life estate described in § 2 hereof. Such acreage and boundaries, and the value thereof, shall be approved by the Director of the Department of General Services. The value of such parcels shall be no more than the value, or the remainder interest value if conveyed subject to a life estate, of the 36 acres, more or less, contemplated in § 2 hereof to be received in exchange therefor by the Department. If the land deeded to Muffin Trodding, LLC, Yancey Hardtimes, LLC, and Ms. Elizabeth Breeden by virtue of this act is taken from the Biscuit Run property, such land shall be subject to all the restrictions contained in the Deed of Bargain and Sale that conveyed Biscuit Run to the Commonwealth until such time as the restrictions are extinguished by a judicial proceeding as provided for in the Deed of Bargain and Sale.

§ 2. That in exchange for such conveyance, the Department is authorized to receive, subject to the approval of the Governor and in a form approved by the Attorney General and subject to § 2.2-1149 of the Code of Virginia, all the respective right, title, and interest in 36 acres, more or less, owned by Muffin Trodding, LLC, Yancey Hardtimes, LLC, and Ms. Elizabeth Breeden, their successors and assigns, located in the interior of the property known as Biscuit Run. The boundaries of such conveyance shall be determined by mutual agreement of the Department and the owners. The Department is further authorized to allow for the reservation of a life estate in any portion of those 36 acres, more or less, as part of the exchange. The boundaries of such 36 acres, more or less, and the value thereof, including the value of the remainder interest if conveyed subject to a life estate, shall be approved by the Director of the Department of General Services.

§ 3. That the purpose of this exchange is to provide the Department with a state park site that is less encumbered with private uses that may be detrimental to the operation of a state park on the property.

HOUSE SUBSTITUTE

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