

VIRGINIA ACTS OF ASSEMBLY -- 2012 RECONVENED SESSION

CHAPTER 832

An Act to amend and reenact § 15.2-1902 of the Code of Virginia, relating to condemnation proceedings.

[S 653]

Approved April 18, 2012

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1902 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1902. Condemnation proceedings generally.

Except where otherwise authorized by any applicable charter provision, a locality shall exercise the power of eminent domain in the manner, and in accordance with the procedures, set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1, except that:

1. Only lands or easements for (i) streets and roads, (ii) drainage facilities, (iii) water supply and sewage disposal systems, including pipes and lines, and (iv) water, sewer and governmentally owned gas, *electricity, telephone, telegraph* and *other* utility lines and pipes and related facilities, *except to the extent otherwise prohibited by law*, may be condemned using the procedures in Chapter 3 of Title 25.1, as provided by the applicable provisions of §§ 15.2-1904 and 15.2-1905, *because the foregoing enumerated uses are inherently public uses when undertaken by a locality*;

2. Existing water and sewage disposal systems in their entirety shall be condemned in accordance with the procedures in § 15.2-1906;

3. Oyster bottoms and grounds may be condemned utilizing the procedures in Chapter 3 of Title 25.1, as required by § 28.2-628; and

4. The provisions of §§ 33.1-91 through 33.1-94, 33.1-96, and 33.1-117 shall be applicable, *mutatis mutandis*, with respect to any condemnation by a locality of property for highway purposes.