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SENATE BILL NO. 664

Offered January 17, 2014

A BILL to amend and reenact § 33.1-129 of the Code of Virginia, relating to agreements; Commissioner of Highways.

Patron—Petersen

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-129 of the Code of Virginia is amended and reenacted as follows:****§ 33.1-129. Agreements as to compensation; petition and order of court thereon; disposition of deposit.**

At any time after the recordation of such certificate, but prior to the institution of condemnation proceedings, if the Commissioner and the owner, or owners of the land or interest therein taken or damaged are able to agree as to compensation for the land taken and damages, if any, caused by such taking, the Commissioner shall file with the court a petition so stating, with a copy of the agreement attached. If condemnation proceedings are already pending at the time of reaching such agreement, no such petition shall be required, but the motion for dismissal of such proceedings shall contain an averment that such agreement has been reached. Upon the filing of such a petition, or a motion to dismiss, as herein provided, the court shall thereupon enter an order confirming absolute and indefeasible title to the land or interest therein in the Commonwealth. Such order shall be spread in the current deed book. Upon entry of such order, the Commissioner and State Treasurer shall be relieved of further obligation by virtue of having filed such certificate of deposit with the court.

If it shall appear from such petition and agreement, or motion to dismiss a pending suit, that no person or persons other than those executing such agreement are entitled to the fund on deposit, the court shall direct that such fund, after payment therefrom of any taxes which may be charged against such land taken, be disbursed and distributed in accordance with the statement or charge in the petition, or motion, among the parties or persons entitled thereto. If it shall appear that a controversy exists as to the persons entitled to such fund, such distribution shall be made in accordance with the provisions of § 33.1-124.

The decision by the Commissioner to accept or reject an agreement under this section shall be reasonable and not arbitrary.

2. That the Attorney General shall issue guidelines establishing legal standards for entering into agreements with owners under § 33.1-129 of the Code of Virginia.

INTRODUCED

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