

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-1800 of the Code of Virginia, relating to conveyance of utility*  
3 *easements; transportation.*

[S 932]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-1800 of the Code of Virginia is amended and reenacted as follows:**8 **§ 15.2-1800. Purchase, sale, use, etc., of real property.**

9 A. A locality may acquire by purchase, gift, devise, bequest, exchange, lease as lessee, or otherwise,  
10 title to, or any interests in, any real property, whether improved or unimproved, within its jurisdiction,  
11 for any public use. Acquisition of any interest in real property by condemnation is governed by Chapter  
12 19 (§ 15.2-1901 et seq.). The acquisition of a leasehold or other interest in a telecommunications tower,  
13 owned by a nongovernmental source, for the operation of a locality's wireless radio communications  
14 systems shall be governed by this chapter.

15 B. Subject to any applicable requirements of Article VII, Section 9 of the Constitution, any locality  
16 may sell, at public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or  
17 otherwise dispose of its real property, which includes the superjacent airspace (except airspace provided  
18 for in § 15.2-2030) which may be subdivided and conveyed separate from the subjacent land surface,  
19 provided that no such real property, whether improved or unimproved, shall be disposed of until the  
20 governing body has held a public hearing concerning such disposal. However, the holding of a public  
21 hearing shall not apply to (i) the leasing of real property to another public body, political subdivision or  
22 authority of the Commonwealth or (ii) conveyance of site development easements, *or utility easements*  
23 *related to transportation projects*, across public property, including, but not limited to, easements for  
24 ingress, egress, utilities, cable, telecommunications, storm water management, and other similar  
25 conveyances, that are consistent with the local capital improvement program, involving improvement of  
26 property owned by the locality. The provisions of this section shall not apply to the vacation of public  
27 interests in real property under the provisions of Articles 6 (§ 15.2-2240 et seq.) and 7 (§ 15.2-2280 et  
28 seq.) of Chapter 22 of ~~this title~~.

29 C. A city or town may also acquire real property for a public use outside its boundaries; a county  
30 may acquire real property for a public use outside its boundaries when expressly authorized by law.

31 D. A locality may construct, insure, and equip buildings, structures and other improvements on real  
32 property owned or leased by it.

33 E. A locality may operate, maintain, and regulate the use of its real property or may contract with  
34 other persons to do so.

35 Notwithstanding any contrary provision of law, general or special, no locality providing access and  
36 opportunity to use its real property, whether improved or unimproved, may deny equal access or a fair  
37 opportunity to use such real property to, or otherwise discriminate against, the Boy Scouts of America  
38 or the Girl Scouts of the USA. Nothing in this paragraph shall be construed to require any locality to  
39 sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from  
40 local policies governing access to and use of a locality's real property. The provisions of this paragraph  
41 applicable to a locality shall also apply equally to any local governmental entity, including a department,  
42 agency, or authority.

43 F. This section shall not be construed to deprive the resident judge or judges of the right to control  
44 the use of the courthouse.

45 G. "Public use" as used in this section shall have the same meaning as in § 1-219.1.

ENROLLED

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