

LD6864160

## HOUSE BILL NO. 1491

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Local Government  
on February 14, 1995)

(Patron Prior to Substitute—Delegate Cooper)

A BILL to amend and reenact § 15.1-478 of the Code of Virginia, relating to recordation of conveyance easements.

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-478 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-478. Recordation of plat as transfer of streets, termination of easements and rights-of-way, etc.

The recordation of such plat shall operate to transfer, in fee simple, to the respective counties and municipalities in which the land lies such portion of the premises platted as is on such plat set apart for streets, alleys or other public use and to transfer to such county or municipality any easement indicated on such plat to create a public right of passage over the same; ~~but nothing~~. The recordation of such plat shall operate to transfer to the county or municipality, or to such association or public authority as the county or municipality may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the county or municipality may require. Nothing contained in this article shall affect any right of a subdivider of land heretofore validly reserved. The clerk shall index in the name of all the owners of property affected by the recordation in the grantor's index any plat recorded under this section. Nothing in this section shall obligate the county, municipality, association or authority to install or maintain such facilities unless otherwise agreed to by the county, municipality, association or authority.

Provided, that where the authorized officials of a county, town or city within which land is located, approve in accordance with the subdivision ordinances of such county, town or city a plat or replat of land therein, then upon the recording of such plat or replat in the clerk's office wherein land records are maintained, all rights-of-way, easements or other interest of the county, town or city in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the county, town or city by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of § 15.1-481 or § 15.1-482 shall not be affected thereby.