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HOUSE BILL NO. 1401

Offered January 22, 2026

A *BILL to amend and reenact § 25.1-307 of the Code of Virginia, relating to eminent domain; certificate of take; description of property.*

Patron—Franklin, M.A.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-307 of the Code of Virginia is amended and reenacted as follows:

§ 25.1-307. Content of certificates; recordation of certificates.

A. A certificate shall set forth the description of the property and rights being taken or damaged, and the owner or owners, if known, of such property. A certificate through which easement rights are acquired shall describe the rights and purposes for which the easement is being acquired.

B. The certificate shall include a plat, drawing, or plan, *or combination of one or more plats, drawings, or plans*, in sufficient detail to disclose fairly the nature of such work or improvements, including specifications, elevations, and grade changes, if any, so as to enable the owner of such property to be reasonably informed of the nature, extent, and effect of such taking. The certificate shall specify the size of the fee or easement area being taken and, if multiple overlapping easements are taken, the sizes of the overlapping and non-overlapping areas. The certificate shall also state the public use project for which the property is being taken.

C. If a temporary construction easement is being acquired, the certificate shall set forth the calendar date on which it shall expire if that date is known to the condemnor. If the condemnor certifies that such date is not known, at such time the condemnor ascertains the date, the condemnor shall file certification of the information as provided by subsection D and shall simultaneously provide the landowner or the landowner's counsel, if any, a copy of such certification.

D. The authorized condemnor shall record a certificate of take or a certificate of deposit in the clerk's office of the court where deeds are recorded. The clerk shall record the certificate in the deed book and index it in the names of both (i) the person or persons who owned the land before the recordation of the certificate and (ii) the authorized condemnor.

INTRODUCED

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