

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 25.1-229, 25.1-307, 25.1-406, and 33.2-1022 of the Code of Virginia and to*
 3 *amend the Code of Virginia by adding in Article 2 of Chapter 2 of Title 17.1 a section numbered*
 4 *17.1-222.2, relating to eminent domain; condemnation proceedings; entry of order and recordation of*
 5 *certificate; disbursement of funds by circuit court clerk.*

6 [S 779]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 25.1-229, 25.1-307, 25.1-406, and 33.2-1022 of the Code of Virginia are amended and**
 10 **reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 2 of Title 17.1 a**
 11 **section numbered 17.1-222.2 as follows:**

12 **§ 17.1-222.2. Entry of condemnation orders; payment of just compensation deposits.**

13 *Where an order entered in any condemnation proceeding or inverse condemnation proceeding directs the*
 14 *clerk to disburse just compensation, or any portion thereof, the clerk shall, unless otherwise provided in the*
 15 *order, promptly and in accordance with the provisions of this section disburse such just compensation in the*
 16 *amount specified in the order and any interest accrued. The clerk shall disburse such just compensation no*
 17 *later than seven business days after the later of (i) the entry of the order or (ii) receipt of the sum that the*
 18 *order directs the clerk to disburse.*

19 **§ 25.1-229. Selection of jurors.**

20 A. Except as otherwise provided in this section, the provisions of Chapter 11 (§ 8.01-336 et seq.) of Title
 21 8.01 shall apply to the selection of condemnation juries mutatis mutandis. While preserving the random
 22 selection process set forth in § 8.01-345, the jury commissioner shall determine the freeholder status of
 23 individuals randomly selected by reference to tax rolls or other reliable data the judge of the circuit court
 24 deems appropriate. *Upon request of counsel, the clerk, sheriff, or other officer responsible for notifying jurors*
 25 *to appear in court for the trial in a case shall make available to counsel of record for each party in such case*
 26 *a copy of the jury panel to be used for such trial at least 10 full business days before such trial. Such copy of*
 27 *the jury panel shall include no fewer than 30 and no more than 75 persons eligible to serve as condemnation*
 28 *jurors as provided in § 25.1-228 and shall show the name, age, address, occupation, and employer of each*
 29 *person on the jury panel, as well as confirmation that each person is a freeholder of property within the*
 30 *jurisdiction in which the property to be condemned, or the greater portion thereof, is situated.*

31 B. All of the acting jurors and all of the names drawn for alternate jurors shall be freeholders of property
 32 within the jurisdiction. On the day set for trial, jurors who appear shall be called to be sworn on their voir dire
 33 until a disinterested and impartial panel is obtained. A juror may be stricken for cause. From the impartial
 34 panel, the judge shall randomly select 13 jurors. From the panel of 13 jurors, each party shall have four
 35 peremptory strikes. The court may appoint alternate jurors. Five persons from a panel of ~~not~~ no fewer than 13
 36 jurors shall constitute a jury in a condemnation case. If fewer than seven jurors remain before the court prior
 37 to the exercise of peremptory strikes, the trial may proceed and be heard by less than five jurors provided the
 38 parties agree. However, no trial shall proceed with fewer than three jurors.

39 C. The conclusion of the jurors need not be unanimous, and a majority of the jurors may act in the name
 40 of the jury.

41 D. In condemnation proceedings instituted by the Commissioner of Highways, a person owning structures
 42 or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways
 43 pursuant to § 33.2-1208 shall be deemed to be an "owner" for purposes of this section.

44 **§ 25.1-307. Content of certificates; recordation of certificates.**

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

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

54 C. If a temporary construction easement is being acquired, the certificate shall set forth the calendar date
 55 on which it shall expire if that date is known to the condemnor. If the condemnor certifies that such date is
 56 not known, at such time the condemnor ascertains the date, the condemnor shall file certification of the

57 information as provided by subsection D and shall simultaneously provide the landowner or the landowner's
58 counsel, if any, a copy of such certification.

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

63 *E. On the same day the certificate is recorded in the land records, it shall also be filed with the clerk, and*
64 *the clerk shall assign a single case number for the certificate that shall be used for all related subsequent*
65 *filings, including a petition for condemnation filed pursuant to § 25.1-206.*

66 **§ 25.1-406. Moving and related expenses.**

67 Whenever the acquisition of real property for a program or project undertaken by a state agency will result
68 in the displacement of any person, the state agency shall make fair and reasonable relocation payments to the
69 displaced person for:

70 1. Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal
71 property;

72 2. Actual direct losses of tangible personal property as a result of moving or discontinuing a business or
73 farm operation, which payments shall not exceed an amount equal to the reasonable expenses that would have
74 been required to relocate such property, as determined by the state agency;

75 3. Actual reasonable expenses in searching for a replacement business or farm; and

76 4. Actual reasonable expenses necessarily incurred in reestablishing a displaced farm, nonprofit
77 organization, or small business at its new site, in accordance with criteria established by the state agency ~~but~~
78 ~~not to exceed \$25,000.~~

79 **§ 33.2-1022. Certificates to describe land and list owner.**

80 A. The certificate shall set forth the description of the land or interest therein being taken or damaged and,
81 if known, the owner of such property. A certificate through which easement rights are acquired shall describe
82 the rights and purposes for which the easement is being acquired.

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

89 C. If a temporary construction easement is being acquired, the certificate shall set forth the calendar date
90 on which it shall expire, if such date is known to the Commissioner of Highways. If the Commissioner of
91 Highways certifies that such date is not known, at such time the date is ascertained, the Commissioner of
92 Highways shall file certification of the information as provided by subsection D of § 25.1-307 and shall
93 simultaneously provide the landowner or the landowner's counsel, if any, a copy of such certification.

94 D. The Commissioner of Highways shall record a certificate of take or a certificate of deposit in the
95 clerk's office of the court where deeds are recorded. The clerk shall record such certificate in the deed book
96 and index it in the names of both (i) the person who owned the land before the recordation of the certificate
97 and (ii) the Commissioner of Highways.

98 *E. On the same day the certificate is recorded in the land records, it shall also be filed with the clerk, and*
99 *the clerk shall assign a single case number for the certificate that shall be used for all related subsequent*
100 *filings, including a petition for condemnation filed pursuant to § 25.1-206.*

101 **2. That the provisions of §§ 25.1-307 and 33.2-1022, as amended by this act, shall only apply to a**
102 **petition for condemnation filed or certificate of take recorded on or after July 1, 2026.**