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HOUSE BILL NO. 1401
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Delegate Franklin, M.A.)

A BILL to amend and reenact §§ 25.1-307 and 33.2-1022 of the Code of Virginia, relating to eminent domain; certificate of take; description of property.

Be it enacted by the General Assembly of Virginia:

1. That §§ 25.1-307 and 33.2-1022 of the Code of Virginia are 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.

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

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

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

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

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