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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 25.1 a section numbered 25.1-110, relating to condemnation of conservation or open-space easement; compensation.

[S 342]

Approved

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 25.1 a section numbered 25.1-110 as follows:

§ 25.1-110. *Condemnation of conservation or open-space easement; compensation.*

Notwithstanding any other provision of law, if a person takes by condemnation proceedings any land or right-of-way or similar interest therein that is subject to a conservation easement, as such term is defined in § 10.1-1009, or an open-space easement, as such term is defined in § 10.1-1700, the person, in addition to any compensation determined under the provisions of this title, shall compensate, in amounts proportionate to the land or interest therein being condemned, (i) the Commonwealth for the value of any tax credit received by the landowner under the provisions of the Virginia Land Conservation Incentives Act of 1999 (§ 58.1-510 et seq.) during the pendency of the conservation easement or open-space easement and (ii) the locality in which the land or interest therein is located for any property tax avoided by the landowner during the pendency of the conservation easement or open-space easement.

Compensation required to be paid to the Commonwealth under clause (i) shall be in addition to (1) any compensation required by the provisions of the conservation easement due to the landowner and holder, as such term is defined in § 10.1-1009, or compensation required by the provisions of the open-space easement due to the landowner and the public body, as such term is defined in § 10.1-1700, and (2) fulfillment of the requirements of § 10.1-1704 pertaining to the conversion or diversion of open-space land.

Any compensation paid to the Commonwealth or the locality shall be used in a manner consistent with the conservation purposes of the conservation or open-space easement extinguished or open-space land that is converted or diverted. Any dispute between the person initiating condemnation proceedings and the Commonwealth or locality seeking compensation pursuant to this section shall be adjudicated separately from the determination of the just compensation owed to the landowner and easement holder.

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