

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 25.1-307 and 33.2-1022 of the Code of Virginia, relating to eminent domain;*
 3 *certificate of take; description of property.*

4 [H 1401]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 25.1-307 and 33.2-1022 of the Code of Virginia are amended and reenacted as follows:**8 **§ 25.1-307. Content of certificates; recordation of certificates.**

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

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

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

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

28 **§ 33.2-1022. Certificates to describe land and list owner.**

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

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

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

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

ENROLLED

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