

EMINENT DOMAIN WORK GROUP

Delegate Thelma Drake, Chair

STATUS REPORT - 2004 INTERIM

WORK GROUP CHARGE

Review the current eminent domain laws, policies and practices and how such laws, policies and practices are implemented across the state; develop a definition or criteria for the determination of public use; review eminent domain legislation referred to the Commission and provide recommendations for action.

SUMMARY OF ACTIVITIES

- Held four meetings over the course of the interim (July 14, September 23, October 28 and November 15).
- Performed an overall review of the eminent domain statutes.
- Reviewed use of eminent domain by the Virginia Department of Transportation and Housing Authorities.
- Developed recommendations for Senate Bill 301 pertaining to the repurchase of land conveyed pursuant to the exercise of eminent domain but not used by the condemning agency within a specified time.
- Received draft legislation limiting the circumstances under which real property may be acquired and subsequently transferred it to a private entity.
- Received public comment pertaining to eminent domain reform.

MEETING SUMMARY

July 14, 2004, General Assembly Building, House Room C, Richmond, Virginia

Work Group Members in Attendance

Delegate Thelma Drake (Commission Member)
Andrew Heatwole (Commission Member)
Timothy Coyle (Crenshaw, Ware and Martin)
John Dicks (FutureLaw)
Phyllis Errico (Virginia Association of Counties)
Les Griggs (Virginia Department of Transportation)
Sandra Ferebee (GSH Real Estate)
Mark Ingrao (Apartment and Office Building Association)
James Kibler (LeClair Ryan)
Jim Lawson (City of Virginia Beach)
Steve Micas (Virginia Municipal League)
Susan Rubin (Virginia Farm Bureau)
Jose Simon (Virginia Natural Gas)
James Stutts (Dominion Resources)
Paul Terpak (Blankenship and Keith)
Joseph Waldo (Waldo and Lyle)
Stuart Waymack (Virginia Department of Transportation)
Karen Wilds (Newport News Redevelopment Housing Authority)
Staff: Amigo Wade, Lisa Gilmer

Work Group Members Absent

Delegate Jackie Stump (Commission Member)
Delegate Bradley Marrs (Commission Members)
Nancy McCord (Virginians for Private Property Rights)

Delegate Drake called the meeting to order at 1:11 p.m. by reviewing the work group's charge and the meeting goals. The chair then turned to the scheduled presentations as indicated on the agenda.

Agenda Items

1. Recent Eminent Domain Developments

Frank Munyan, Senior Attorney with the Divisions of Legislative Services, provided the work group with an overview of recent eminent domain developments. He began his presentation by reviewing the provisions of Article I, Section 11 of the Virginia Constitution and the recodification of Title 25, which lays out the state's condemnation procedures.

Mr. Munyan then provided an overview of the work of the SJR 271/HJR 491 Joint Subcommittee established by the 1999 session of the General Assembly to study the

means and adequacy of compensation to citizens whose properties are taken through the exercise of eminent domain. The major issues address by the study included:

- Litigation Expenses
- Business Losses
- Condemnation of Outdoor Advertising Signs
- Commissioner System
- Condemnations by Virginia's Electric Utilities
- Fear of Transmission Lines as an Element Of Damages
- Compensation for Devaluation of Adjacent Property
- Virginia Department of Transportation Condemnations

The study was continued for a second year pursuant to SJR 37 to deal with the unresolved issues focusing on payment of condemnee's litigation expenses, compensating the condemnee for the cost of an independent appraisal, allowing a city or town to condemn property outside of its boundaries if the property is in a contiguous locality, and alternative dispute resolution options.

Mr. Munyan then reviewed legislation introduced in the 2001 Session as a result of the joint subcommittee's work. **Mr. Munyan** concluded his presentation with a discussion of two recent cases, Ottofaro, et al. v. Hampton, 265 Va. 26 (2003), and Lamar v. Commonwealth Transportation Commissioner, 262 Va. 375 (2001).

2. Review of Referred Legislation

The work group then turned to a discussion of referred legislation consisting of Senate Bill 301, which would require that property be put to the public use for which it was condemned within 10 years or be offered for sale to the person who owned it at the time of condemnation, and House Bill 826, which strengthens the "Landowner's Bill of Rights."

Some confusion arose concerning the correct version of the bill that was referred to the Commission. **Delegate Drake** resolved the issue by asserting that the work group would not be precluded from reviewing other versions of the substitute in an effort to reach some agreement on a recommendation to the full Commission and the House Courts Committee.

A general discussion ensued concerning House Bill 826 and House Bill 822. **Delegate Drake** stated there was a need to define public purpose for any projects. She indicated that it would be helpful to provide copies of the relevant caselaw wherein the Virginia Supreme Court has looked at eminent domain issues.

The work group then approved a work plan to direct its work for the interim.

The meeting was adjourned at 2:56 p.m.

MEETING SUMMARY

***September 23, 2004, General Assembly Building, House Room D,
Richmond, Virginia***

Work Group Members in Attendance

Delegate Thelma Drake (Commission Member)
Delegate Terrie Suit (Commission Member)
Delegate Jackie Stump (Commission Member)
Delegate Bradley Marrs (Commission Member)
Andrew Heatwole (Commission Member)
Timothy Coyle (Crenshaw, Ware and Martin)
John Dicks (FutureLaw, L.L.C.)
Phyllis Errico (Virginia Association of Counties)
Sandra Ferebee (GSH Real Estate)
Les Griggs (Virginia Department of Transportation)
Mark Ingrao (Apartment and Office Building Association)
James Kibler (LeClair Ryan)
Jim Lawson (City of Virginia Beach)
Steve Micas (Virginia Municipal League)
Susan Rubin (Virginia Farm Bureau)
Jose Simon (Virginia Natural Gas)
James Stutts (Dominion Resources)
Paul Terpak (Blankenship and Keith)
Joseph Waldo (Waldo and Lyle)
Stuart Waymack (Virginia Department of Transportation)
Karen Wilds (Newport News Redevelopment Housing Authority)
Staff: Amigo Wade, Lisa Gilmer

Work Group Members Absent

Nancy McCord (Virginians for Private Property Rights)

Delegate Drake called the meeting to order at 1:05 p.m. by reviewing the work group's charge and the meeting goals. The chair then turned to the scheduled presentations as indicated on the agenda.

Agenda Items

1. Presentation of Stuart Waymack

Stuart Waymack, State Right of Way and Utilities Director, Virginia Department of Transportation, provided the work group with an overview of the eminent domain powers used by the Department. Over the course of his presentation, Mr. Waymack made the following observations:

- The Department is required to make a diligent effort to contact each affected landowner and explain verbally in plain terms the process that will be used.

- The Department attempts in the first instance to have a contract with every affected landowner pursuant to an appraisal performed by a licensed appraiser who assists in determining the fair market value of the property.
- In some instances, however, the land owner is not looking for fair market value but, instead looking for something more. "Market value" is skewed in most instances involving eminent domain. This is because a willing buyer decides what the property is worth without the road going through it.
- Interstate and primary roads in the state are built pursuant to a six-year plan that is adjusted every year. Local boards plan secondary roads. In his career with the Department he could only recall two instances where the planned road was never built.
- The Department must use the property within 20 years or the homeowner can request that it be conveyed back at the original price. He stated that it is rare that the Department has had to return property. There have been instances where the Department will lease the property if the landowner does not buy it back from the Department at the end of the twenty-year period. The landowner has 30 days to make a written offer.

During his discussion of the eminent domain process used by the Department, **Mr. Waymack** referred to two documents that he provided to the work group. The first document was titled "Right of Way and Utilities, A Guide for Property Owners and Tenants." The second document was titled "Project Development Flow Chart."

At the conclusion of his presentation, there was a short period of questioning by the work group. **Delegate Drake** asked how often the Department had to sell land back to the original owner i) before the twenty-year period ended, and ii) after the 20-year period. **Mr. Waymack** responded that the Department frequently sold back property within the twenty-year period, but he did not know the frequency after the twenty-year period.

Mr. Heatwole asked what happened if the Department did not secure proper title to a parcel and it got stuck with a piece of land that it could not use. **Mr. Waymack** responded that the Department uses licensed appraisers, and conducts a thorough title search. The Department has over 240 employees who negotiate with landowners and each of them is trained to understand that the landowners are citizens. **Mr. Waymack** further noted that of all land purchases that are need for a given project, approximately 20% go to litigation. He also noted that for businesses that are required to relocate, the Department is required to assist in finding a suitable site or a replacement facility.

Mr. Terpak noted that it is usually the tenant that is moved. In such situations the resident may receive a resident payment of up to \$4,500. There are approximately 100 such cases annually.

Delegate Stump noted that costs increase and the situation gets more complicated when lawyers get involved.

At the conclusion of the questioning, the work group moved to a discussion of the substitute for Senate Bill 301

2. Substitutes for Senate Bill 301.

Senator O'Brien, the patron of the bill, gave a brief overview of the substitute and stated that it was an attempt to anchor the process in property rights. He stated that the legislation was needed because it will prevent misuse of eminent domain authority. He cited three examples of such misuse in the past.

Delegate Suit expressed concern that the substitute provided for the owner to repurchase the property from the condemning agency at a higher price. She maintained that if the land appreciated in value over the ten-year period that it was held by the condemning agency, the owner should get the benefit.

Delegate Marrs noted that rights that were given in the first three sections of the substitute were effectively taken away in the last three sections.

Mr. Terpak further commented that the work group should consider adding some notice requirement by the condemning agency because it is unclear how the homeowner would know who to make contact to make the offer.

Delegate Drake stated that she would appoint a task force to look at the substitute and work out some additional language. Delegate Drake appointed Delegate Marrs, Mr. Dicks, Ms. Errico, Mr. Lawson, Mr. Ingrao, and Ms. Wilds

3. Presentation: Redevelopment and Blight Removal in the Commonwealth of Virginia.

Mr. George Martin gave a presentation to the work group on behalf of the state's Redevelopment and Housing Authorities.

The presentation included:

- Background on Housing Authorities
- Brief overview of eminent domain law in Virginia
- Brief overview of House Bill 822
- Discussion of recent Michigan Supreme Court Case -Wayne County v. Hathcock, 471 Mich 445 (2004)
- A detailed discussion of eminent domain law as applied to Housing Authorities
- Discussion of problems created for Housing Authorities by House Bill 822
- Reasons for not hampering the Housing Authorities with House Bill 822
- Suggestions for alternate approaches

At the conclusion of the presentation, **Mr. Martin** suggested that, rather than pursuing action on the legislation, the work group consider i) waiting for recent amendments made by the General Assembly to take effect, ii) revisiting legislation regarding redevelopment plans, iii) considering proposals to help make blight removal permanent, iv) providing Housing Authorities with additional funding, or v) balancing the fairness scale.

Delegate Drake remarked that the criteria for eminent domain should be laid out in the plan clearly. Where is the authority when blight removal becomes something different? It is not clear when blight removal becomes economic or something else.

Mr. Heatwole noted the example of the Hope 6 project in Alexandria, which involved tearing down 100 public housing units to build 150 townhouses- 50 of which were affordable homes.

Delegate Drake stated that it is important for the law to include some certification that the affected community agrees with the plan

4. Public Comment

Approximately 33 citizens appeared at the meeting in support of eminent domain reform. Individuals speaking in support of reform included: i) Edd Jennings, a farmer from Max Meadow, ii) Ron Meadows of the Blue Ridge Coalition in Patrick County, iii) Dr. Buster Woodruff, iv) Frank Ottofaro, and v) Brenda Stewart.

The meeting adjourned at 4:35 p.m.

MEETING SUMMARY

October 28, 2004, Conference Room 1, Virginia Housing Development Authority Building, 601 Belvidere Street Richmond, Virginia

Work Group Members in Attendance

Delegate Terrie Suit (Commission Member)
Delegate Bradley Marrs (Commission Member)
Andrew Heatwole (Commission Member)
Timothy Coyle (Crenshaw, Ware and Martin)
Phyllis Errico (Virginia Association of Counties)
Mark Ingrao (Apartment and Office Building Association)
James Kibler (LeClair Ryan)
Jim Lawson (City of Virginia Beach)
Susan Rubin (Virginia Farm Bureau)
Jose Simon (Virginia Natural Gas)
James Stutts (Dominion Resources)
Paul Terpak (Blankenship and Keith)
Joseph Waldo (Waldo and Lyle)
Stuart Waymack (Virginia Department of Transportation)
Karen Wilds (Newport News Redevelopment Housing Authority)
Staff: Amigo Wade, Elizabeth Palen, Lisa Gilmer

Work Group Members Absent

Delegate Thelma Drake (Commission Member)
Delegate Jackie Stump (Commission Member)
John Dicks (FutureLaw, L.L.C.)
Sandra Ferebee (GSH Real Estate)
Steve Micas (Chesterfield County)
Nancy McCord (Virginians for Private Property Rights)

The meeting was called to order at by **Delegate Suit**, acting chair of the work group, at 1:00 p.m.

Agenda Items

1. SB 301 Task Force

The task force appointed by Delegate Drake presented a substitute for review by the work group. The substitute offered by the task force included the following provisions:

- Providing that when an condemnor has acquired property by eminent domain and subsequently determines within 15 years of being vested with the title that the property is be deemed surplus or is otherwise not needed, then the condemnor must offer to sell such property to the former owner, unless the former owner had waived his right to the offer of repurchase.

- Requiring the offer of repurchase to be made by the condemnor at the price the condemnor paid the former owner plus interest at the annual rate of six percent. (This is the legal rate of interest provided by Section 6.1-330.53).
- Providing that the offer to repurchase must be sent by certified mail to (i) the last known address of the former owner and (ii) the address of last owner of record as it appears in the tax records of the local treasurer.
- Exempting property acquired by VDOT under Title 33.1.
- Including a second enactment clause specifying that the provisions of the act shall apply to property acquired on or after July 1, 2005.

Delegate Suit directed the Task Force to continue to work on the bill and provide a final product for the next meeting of the work group.

2. Legislative Draft 4111

The work group received LD 4111, which proposed to limit the circumstances under which a housing authority may acquire real property and subsequently transfer it to a private entity. In addition the measure would codify the concept that the acquisition of private property is not for a public use if it: (i) is made with the intent of making the property available for ownership or use by a private entity unless any benefits that will accrue to the private entity as a result of its ownership or use of the property are merely incidental when compared to the benefits that will accrue to the public from the abatement of the slums, conditions of blight, or other public use for which a housing authority is expressly authorized by this chapter to acquire property, or (ii) is otherwise predominantly for a private purpose.

Delegate Suit encouraged all participants to thoroughly review the draft and provide comments to staff by November 5, 2004. Another meeting will be scheduled for the morning of November 15th with the objective of reviewing the comments received and providing a recommendation to the full Commission, which meets on the same day at 3:00 p.m.

Ms. Wilds stated that the draft contained intended and unintended outcomes and that the three-week time frame was too short a period. **Delegate Suit** indicated that it was the wish of **Delegate Drake** to follow the procedure that was just outlined.

The work group then proceeded to received public comment on eminent domain reform.

3. Public Comment

The following is a synopsis of major points made by individuals providing public comment.

Dan Lacy, Halifax, Virginia

- Landowners have few rights.
- Electric transmission line and gas line companies have lowered the value of his property.
- He is a farmer and uncertain how to prepare the affected land for the coming year because of lack of prompt response from the utility companies.
- He asks for a more level playing field.

Gloria Jones, Dinwiddie County

- She is concerned with a 40 ft by 370 ft easement on her property.
- In 1993 she received threatening letters from Virginia State Corporation Commission regarding a right-of-way under her property.
- Don Lauter, a historian, found her property had historical significance from the civil war era.
- She implored the legislature to pay strict attention to the appeal of citizens.

Joe Rector, Smith County

- He is a farmer with four gas lines running across his property.
- Farmers find it difficult to go to court because of the time and money involved.
- He is concerned that farmers are not fairly compensated when their land is taken.

Hollis Robertson, City of Virginia Beach

- He is a retired naval officer who purchased beachfront rental property.
- The Redevelopment and Housing Authority condemned his land that housed rental cottages on the eastern portion of Virginia Beach.
- They offered him less money than the value of his mortgage of 11 years earlier, and lower than the assessed value.
- His property was condemned so the land could be sold to a developer who then put million dollar homes on the property.
- He wanted it noted that the Redevelopment and Housing Authority tends to condemn beachfront areas not parcels that are inland.
- He stated that he was treated rudely and unfairly by the Housing Authority.

Lillian Daughtry-Holland, Henry County

- Noted that HB 826 dealing with Eminent Domain has long lasting impacts.
- Landowners are not getting just compensation.
- Utilities should not be allowed to propose a lower offer in court than previously offered. This is done to intimidate others to accept the utilities' initial offer.
- The landowner should be awarded all reasonable costs including attorneys' fees because families have more to lose going to court than the utilities do.

Darryl Holland, Henry County

- Condemnation cases should have special priority on civil dockets.
- He is an owner of a 500-acre beef farm but also has to work outside of the farm to meet expenses.
- He shouldn't have to pay costly legal fees to be compensated for his own land.
- He has yet to receive compensation from the gas company.
- Agencies should not be allowed to put forth a lower offer at trial; instead it should not be lower than the previous offer.

Davis Dudley, Henry County

- Utilities threatened to take away his property.
- Constitution of the United States doesn't allow this action.
- He cautioned that the work group should remember that government works for the people.

Thomas Bartlett, Fredericksburg

- His property was cut in half by a 60ft pipe used to build a reservoir.
- Only \$600 compensation was offered, which he thought was unfair and inadequate compensation.

Harvey Woodruff, Yorktown

- He feels he was unjustly treated by VDOT.
- He is a physician who had to move his practice because of a VDOT taking and consequentially he lost 60% of his medical practice.
- He feels there should be a limitation in the amount of time that may elapse before compensation is paid. He has spent 15 months going to court and is still waiting to be paid.

Juanita Hudgins, Chesterfield County

- A telecommunications company took her property without any advance notice.

Don Lauter, Prince George County

- A gas line was proposed on his land through historical earthworks and places of civil war action.
- The system in Virginia is against landowner and the State Corporation Commission looks the other way.
- The Federal Energy Regulatory Commission stopped the eminent domain action using the 1966 Federal Preservation Act.
- He stated that Virginia should have state laws to preserve historical sites.
- He also asserted that the eminent domain process should be reviewed by federal authorities.

Betty Hunter-Clapp, Midlothian

- A thorough review of the entire taking process is needed.
- The Code of Virginia says greater good for the greater number of people, but many decisions do not follow this concept.
- There may be very real reasons for eminent domain but there is a difference in taking for the health and safety of people instead of for common greed.

Linda McMinimy, Virginia First Cities Coalition

- She represents 15 of the older Virginia cities.
- Cities cannot grow outward so good use needs to be made of the land.
- Localities need to look carefully and be fair with respect to property rights.
- Make sure the Commission looks at all possibilities contained in LD 4111 before legitimate redevelopment purposes are hindered
- SB 301 has a VDOT exemption, but what about Arlington and Henrico who own their own roads?
- Are counties road works exempt?

William Taber, Tidewater Libertarian Party

- In life, liberty and pursuit of happiness, pursuit of happiness is actually a euphemism for owning own private property.
- There may be legitimate reasons for government seizing land.
- Latitude given to the Housing Authority needs to be taken away.
- The Housing Authority is seizing property to build more expensive housing.
- When your house appreciates in price you are robbed of the gain through having a developer snatch it away.

Stephen Merrill, Virginia Beach Taxpayer Association

- Owning and maintaining property is a basic right.
- A public purpose now equals any purpose.
- You should not be able to take property from one citizen and give it to another.
- SB 826 expands the rights of property owners.
- Attorneys' fees ought to be granted to citizens who sue for compensation.

Ed Jennings, Wythe County

- USA is now an industrialized nation and does not have to cede power to large corporations as we once did to accomplish such feats as the building of the railroads.

Diana Parker, Falls of the James River Sierra Club

- She urges change in procedures.
- She thinks the amount of time that elapses before cases go to trial is unreasonable.
- Litigation is too expensive and the use of lower appraisals in court should be disallowed.

- The system should work to provide rights of the landowner.
- Columbia Gas pipeline project was able to move to an alternate route through the help of Don Lauter.
- In Oregon Hill, Richmond, VA Dominion Power wanted to deny Oregon Hill citizens their right to the view of the river and the pathway to reach the river.
- Patriot Gas and Level II Communications have been other corporations that presented situations where Sierra Club has become involved to help citizens.

Brenda Stewart, Woodpecker Road Landowner

- She supports the changes others have mentioned.
- Frequently legal expenses exceed the cost of land.
- Legal expenses should not be a deterrent.
- She believes individuals should be reimbursed for their legal fees.
- A person should be able to join their case with others with the same issue.
- Virginia needs a definition of Public Use.

Jeremy Hopkins, Attorney

- He represents mostly elderly clients who have been offered 1/2 to 2/3 of actual property value for property taken for sewer lines.
- Property owners should be made whole by just compensation.
- He believes it would not slow the process nor increase litigation to reimburse attorneys' fees.
- A more level playing field would be established if the court granted legal fees to the attorney for the property owner.
- For a variety of reasons attorneys' fees should be reimbursable.

At the conclusion of the public comment period, the meeting was adjourned at 3:26 p.m.

MEETING SUMMARY

November 15, 2004, Sheraton Norfolk Waterside, Merrimac Room, 777 Waterside Drive, Norfolk, Virginia

Work Group Members in Attendance

Delegate Terrie Suit (Commission Member)
Andrew Heatwole (Commission Member)
Timothy Coyle (Crenshaw, Ware and Martin)
Phyllis Errico (Virginia Association of Counties)
Sandra Ferebee (GSH Real Estate)
Les Griggs (Virginia Department of Transportation)
Mark Ingrao (Apartment and Office Building Association)
James Kibler (LeClair Ryan)
Susan Rubin (Virginia Farm Bureau)
Jose Simon (Virginia Natural Gas)
James Stutts (Dominion Resources)
Karen Wilds (Newport News Redevelopment Housing Authority)
Staff: Amigo Wade, Elizabeth Palen, Lisa Gilmer

Work Group Members Absent

Delegate Thelma Drake (Commission Member)
Delegate Jackie Stump (Commission Member)
Delegate Bradley Marrs (Commission Member)
John G. Dicks (FutureLaw, L.L.C.)
Jim Lawson (City of Virginia Beach)
Steve Micas (Chesterfield County)
Paul Terpak (Blankenship and Keith)
Joseph Waldo (Waldo and Lyle)
Stuart Waymack (Virginia Department of Transportation)

The meeting was called to order by **Delegate Suit**, acting chair of the work group, at 10:10 a.m.

Agenda Items

1. Status Report

The work group began the meeting by reviewing a status report of its activities over the course of the 2004 interim. It was the consensus of the work group to approve the status report for presentation to the full Commission.

2. Senate Bill 301

The work group received the report of the SB 301 Task Force appointed by **Delegate Drake**. **Amigo Wade** of the Division of Legislative Services, provided an overview of the substitute highlighting the changes that had been made since the previous draft was submitted to the work group at the October 28, 2004, meeting:

- Provides that when a condemnor has acquired a fee simple interest in property by eminent domain and subsequently declares within 15 years of being vested with the title that the property is to be deemed surplus or is otherwise not needed, then the condemnor must offer to sell such property to the former owner or his heirs, or other successors or assigns of record, unless the former owner had waived his right to the offer of repurchase.
- Requires the offer of repurchase to be made by the condemnor at the price the condemnor paid the former owner plus interest at the annual rate of six percent. (This is the legal rate of interest provided by Section 6.1-330.53).
- Allows the former owner 90 days to respond to the offer of repurchase.
- Provides that the offer to repurchase must be sent by certified mail to (i) the last known address of the former owner and (ii) the address of the last owner of record as it appears in the tax records of the local treasurer.
- Exempts property acquired by VDOT under Title 33.1.
- Includes a second enactment clause specifying that the provisions of the act shall apply to property acquired on or after July 1, 2005.

After the review, **Delegate Suit** informed the work group that the House Committee on Courts of Justice (House Courts Committee) would also be meeting later that day at 1:00 p.m. to take up bills that had been carried over in committee, including SB 301. Since the meeting would take place before the meeting of the full Commission, the House Courts Committee would not have the benefit of the Commission's recommendation. She also stated that **Senator O'Brien**, the patron of the bill, had indicated that it was his intention to proceed with the version of the substitute that had been offered by the SB 301 Task Force. **Delegate Suit** further stated that, depending on the action taken by the House Courts Committee, **Senator O'Brien** may determine to introduce a similar bill during the 2005 legislative session. **Mr. Heatwole** asked if the 6% interest used in the substitute referred to compound or simple interest. **Ms. Wilds** stated that the 6% figure was a compromise that moved from the starting point of fair market value. It was resolved that the type of interest intended by the task force was the same type provide by provided by Section 6.1-330.53 of the Code of Virginia. The work group agreed by consensus that no action be taken on the substitute.

3. LD 4111

Delegate Suit informed the work group that **Delegate Drake** has requested that any action on the draft be deferred until next year to allow a study effort supported by the Urban Land Institute to go forward. It was the consensus of the work group to defer action on the legislative draft until next year.

The meeting adjourned at 10:45 a.m.

PRESENTATIONS AND REPORTS*

1. Recent Eminent Domain Developments, Frank Munyan, Senior Attorney, Division of Legislative Services, July 14, 2004.
2. Right of Way and Utilities, A Guide for Property Owners and Tenants, Virginia Department of Transportation.
3. Redevelopment and Blight Removal in the Commonwealth of Virginia, George Martin, Esq. on behalf of Redevelopment and Housing Authorities, September 23, 2004.
4. Overview and Substitute for Senate Bill 301 (2004).
5. Legislative Draft 4111 (including overview).

**Full copies of presentations made to the work group may be retrieved from the Commission's website: <http://dls.state.va.us/houscomm.htm>*