

BILL NO. 36-0070

Thirty-Sixth Legislature of the Virgin Islands

March 28, 2025

An Act amending title 28 Virgin Islands Code, chapter 19 by adding section 423 relating to failure to use property acquired through the exercise of the power of eminent domain

PROPOSED BY: Senator Alma Francis Heyliger

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 28 Virgin Islands Code, chapter 19 is amended by adding section 423:

“§ 423. Failure to use property acquired by eminent domain

(a) A property that has been acquired through eminent domain must be devoted to the public use for which it was acquired not more than 25 years after the acquisition.

(b) If the property is not devoted to the specified public use within the time set forth in subsection (a), the previous owner may file a petition with the Superior Court of the Virgin Islands for the return of the property.

(c) The court shall grant the petition when the previous owner has returned the compensation it received for the property to the Government of the Virgin Islands. The Government may not institute another condemnation action to acquire the same property for a period of not less than 10 years after the petition is granted.

(d) For purposes of this section, “previous owner” means the person, or the heir of the person, or the entity whose property was acquired through eminent domain.”

BILL SUMMARY

This bill amends title 28 Virgin Islands Code, chapter 19 by adding section 423 to require that a property acquired through eminent domain be devoted to the public use for which it was acquired not more than 25 years after the acquisition. If the property is not devoted to such use within that time, the property will be returned to the previous owner upon the filing of a petition by the previous owner and the return of the compensation received for the property to the Government of the Virgin Islands. The bill also prohibits the Government from instituting another condemnation action to acquire the same property for a period of not less than 10 years after the petition is granted.

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