

COMMITTEE ON DISASTER RECOVERY, INFRASTRUCTURE
AND PLANNING

09/12/2025-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY
06/16/2025-HELD IN COMMITTEE

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: Senators Alma Francis Heyliger and Hubert L. Frederick

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.”

(e) Any property acquired by eminent domain before 2005 of this act shall be subject to an additional 5-year period for the Government of the Virgin Islands to utilize the property for its intended public purpose.

(f) For all properties subject to the 5-year extension period described in subsection (e), the Commissioner of the Department of Property and Procurement shall submit a written report to the President of the Legislature every two years, outlining the status of the property. The report must include:

- (1) the proposed public use;
- (2) all project planning, funding, or permitting activities underway; and
- (3) a demonstration of measurable progress toward initiating the project.

For purposes of this subsection: (i) “measurable progress” means documented action that reflects movement toward active use of the property, including but not limited to budget appropriations, signed contracts, engineering or architectural designs, or commencement of physical site work; and (ii) “initiate or initiating” means at least twenty-five percent of the project’s physical construction or build-out is completed.

If at the conclusion of the 5-year extension period no public use project has been initiated, the previous owner or their heirs may petition the Superior Court of the Virgin Islands for the return of the property in accordance with subsection (b).

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

1 acquired not more than 25 years after the acquisition. If the property is not devoted to such use
2 within that time, the property will be returned to the previous owner upon the filing of a petition
3 by the previous owner and the return of the compensation received for the property to the
4 Government of the Virgin Islands. The bill also prohibits the Government from instituting
5 another condemnation action to acquire the same property for a period of not less than 10 years
6 after the petition is granted.

7 **BR25-0489/March 3, 2025/GC**

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