

**SELECTION OF SITES FOR  
SOLID WASTE DISPOSAL**

**REPORT OF THE  
CITY-COUNTY RELATIONSHIPS COMMISSION**

**To**

**THE HOUSE OF DELEGATES COMMITTEE ON  
COUNTIES, CITIES AND TOWNS**

**And**

**THE SENATE COMMITTEE ON  
LOCAL GOVERNMENT**



**HOUSE DOCUMENT NO. 33**

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF PURCHASES AND SUPPLY**

**Richmond**

**1976**

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**Report of the  
COMMISSION ON CITY-COUNTY RELATIONSHIPS**

**Richmond, Virginia**

**January, 1976**

**TO: The House of Delegates Committee on Counties, Cities and  
Towns**

**and**

**The Senate Committee on Local Government**

**PART I**

**INTRODUCTION**

The Commission on City-County Relations, which submitted its report to the Governor and General Assembly of Virginia in January, 1975, was continued by Chapter 131 of the 1975 Acts of Assembly in order that it might be available to assist in the legislative review of its recommendations.<sup>1</sup> In addition to fulfilling the role for which it was continued, the Commission was requested at a joint meeting of the Senate Committee on Local Government and the House Committee on Counties, Cities, and Towns in April, 1975, to examine and make recommendations with respect to the interlocal difficulties which arise from efforts by the State's local jurisdictions to secure sites for solid waste disposal. This report and the proposal which it contains are made pursuant to that request. With their varying backgrounds and perspectives, all members of the Commission do not necessarily agree with every detail of every recommendation offered in this report. However, these proposals represent the best thinking of the Commission and a majority viewpoint among the Commission members.

**PART II**

**THE PROBLEM**

It has become increasingly difficult for some localities in Virginia to obtain suitable sites for solid waste disposal purposes. Some localities have been compelled to look beyond their own boundaries for the open space necessary for these sites. However, for a variety of reasons it has been difficult for a local jurisdiction to

obtain the authority necessary to establish a site for solid waste disposal within the territory of another political subdivision. The resolution of these issues between localities can be, and has been, a difficult, protracted, and costly process. The State cannot remain indifferent to a locality's needs with respect to such a basic service as solid waste disposal, nor to the interlocal difficulties occasioned by efforts to meet such needs. The State must assure that a mechanism exists which will permit a prompt, equitable, and rational solution in each instance where these problems arise. The Commission believes that the procedure proposed below will permit such solutions.

### **PART III**

#### **PROPOSED PROCEDURE**

The Commission proposes that any county or city which is unable to find a site for solid waste disposal purposes within its own boundaries and which is unable to obtain authorization for the use or development of a site in another jurisdiction be permitted to seek State assistance for the procurement of a site. It is proposed that when State assistance is requested, any county or city may submit to the State Health Commissioner between one and three sites, either within or without the boundary of the initiating city or county, for consideration by the State Department of Health. In addition, the county or city wherein such sites are located may designate between one and three sites located either in the initiating city or county or within their own boundaries. The Department shall evaluate and rank all suitable sites submitted to it by a local governing body and may also recommend, evaluate and rank additional sites which it deems suitable, including the use of any existing solid waste disposal sites. The city or county recommending a site shall furnish all data related to that site requested by the Department.

The sites designated by the Department must be selected on the basis of various statutory criteria which would require consideration of a number of environmental, economic and public planning factors. Under the criteria, the Department would take cognizance of all local planning, but it would not be absolutely restricted in its selection of alternative sites by such local planning and zoning regulations.

Following its selection of the alternative sites, the Department would be required to furnish a report within six months after the initial request for assistance to the locality initiating the procedure, as well as to each local jurisdiction within which any of the alternative sites are located. The report shall give an evaluation and ranking of each site deemed suitable by it and shall provide a technical analysis upon which the localities shall base a choice.

The Commission recommends that upon receipt of the report of the State Department of Health an advisory commission be established, comprised of persons appointed by the State Health

Commissioner and persons chosen by the governing bodies of the affected localities; provided, however, no governing body shall select more than three persons to serve on such commission regardless of the location of the proposed sites, to review the report and, if possible, recommend, within six months, to the appropriate governing bodies the selection of one of the alternative sites. Thus, the local governing bodies will have available to assist them both the technical analysis of the Department and the review by the advisory body. Agreement by the appropriate governing bodies on the selection of a site will constitute complete authority for the use of that site for solid waste disposal purposes by the locality which initiated the procedure. No other form of permission or permit will be required; provided, however, that the Department or the county or city where the site is located shall be entitled to its use and shall not be prevented from imposing reasonable conditions upon the operation of the site for solid waste disposal purposes.

Under the terms of the proposed procedure, if within nine months after first receipt of the report from the State Department of Health by the governing bodies involved, agreement has not been reached on the selection of a site, the county or city which initiated the procedure may petition for the convening of a special three judge court to hear and decide the matter. The petition shall make the county or city wherein each site selected by the Department is located and each property owner of a site so selected parties to such proceeding. The court will be directed to select one of the suitable alternative sites as the optimum site on the basis of the statutory criteria and the evidence. The order of the court designating the site to be used by the petitioning locality will set forth any terms and conditions regarding the acquisition and use of the facility that may be required. Such order shall allow the locality where such site is located to use the facility upon payment of reasonable fees. The order will constitute full and complete authority for the petitioning locality to use the site for solid waste disposal purposes. The selection of a site by the special court shall be deemed a finding that a necessity exists for acquiring the site.

The procedure also grants the acquiring local government the authority to acquire title and to take possession of such property as the acquiring local government may deem necessary, and proceed with the construction of such facility.

#### **PART IV**

#### **CONCLUSION**

The Commission believes that the procedure reviewed above can afford timely and sound solutions to the site location problem. Further, the proposed procedure preserves to the fullest extent possible local discretion, while assuring that each locality can obtain in an expeditious and equitable manner a facility for its solid waste disposal needs. The State must have the assurance that such needs of each locality are met.

**Respectfully submitted,**

**G. R. C. Stuart, Chairman**

**Thomas J. Michie, Jr., Vice-Chairman**

**Willis M. Anderson**

**\*Robert B. Ball, Sr.**

**\*C. Russell Burnette**

**Edward L. Felton**

**L. Cleaves Manning**

**Wiley F. Mitchell, Jr.**

**\*Millard B. Rice**

**\*Russell I. Townsend, Jr.**

**William A. Truban**

**\*Ronald R. Workman**

**\*Dissenting statements follow.**

## **DISSENTING STATEMENT OF ROBERT B. BALL, SR.**

With reluctance, I must disagree with the majorities recommendation as to the selection of sanitary landfill sites.

Evidence brought before the Commission convinces me that until all the problems in the bill now proposed by the Commission are completely resolved, present procedures should continue to be employed.

The Bureau of Solid Waste and Vector Control is doing an excellent job in evaluating and approving sites for solid waste disposal. The selection of these sites should, at least for the time being, be left to the process of negotiation, without imposing new a layer of expensive, litigation promoting rules of procedure.

The present method of selecting a site and obtaining a use permit from the duly constituted administrative authority works. If that authority abuses its power, recourse to the courts may then follow.

Until such time as legislation can be devised that will serve to improve existing procedure , I must dissent.

## **DISSENTING STATEMENT OF C. RUSSELL BURNETTE**

I would like to go on record as being very much opposed to the proposed legislation dealing with the procedure for site selection for solid waste disposal.

My first objection is that it is wrong in principle. It smacks the concept of local autonomy square in the face. Such a move would open up a new "can of worms" whereby the State and its agencies and courts would be making many decisions that should be made by local units of government. People are demanding less interference from State and federal governments rather than more as would be dictated by the passage of this legislation.

Next, if such procedure reached the final step, a three-judge court, the effects would equal that of an annexation case. The local governments would be spending thousands of dollars in legal fees. In addition, bitterness, ill-feeling, and lack of mutual cooperation would result from the decision handed down by the court. Local problems would be multiplied rather than alleviated, constituting a step backward, to be sure.

Finally, the State and its many agencies have pushed the counties to adopt zoning ordinances, land use plans, etc. Even the Stuart Commission Report (laundry list, page 17) would have an annexation court to consider the need for such ordinances in areas proposed to be annexed, yet this proposed legislation would authorize the same three-judge court to establish a landfill in an area in direct violation of a local zoning ordinance.



## **DISSENTING STATEMENT OF MILLARD B. RICE**

It is with reluctance that I register my dissent from the majority report of the Commission. The Commission applied itself diligently to its task of financing an improved method for the selection of sanitary landfill sites. I wish to evidence my concurrence with and support of the Commission's underlying objective in the formulation of the recommended procedure. However, I feel that I cannot completely concur with the Report because it does not include a provision whereby a county in which a solid waste disposal site is located, would be given the opportunity to operate and maintain control over such site and would have the right to impose fees on a city wishing to use the disposal site.

## **DISSENTING STATEMENT OF RUSSELL I. TOWNSEND, JR.**

I wish to register my dissent to that portion of the report of the Commission on City-County Relationships which recommends that legislation be passed providing for involuntary acquisition of solid waste disposal sites.

I feel that consideration of this question was beyond the scope of the matters which this Commission was created to study and therefore should not have been addressed irrespective of other factors. The main body of the report was a product of many hours of hard work by the full Commission; whereas, the recommendations regarding the selection of solid waste disposal sites was primarily a product of the work of a subcommittee and was considered out of context. I do not feel that these recommendations received the same attention of the full Commission as was the case with the main recommendations.

It is my opinion that the proposed legislation represents an unwarranted and unprecedented intrusion, of dangerous proportion into the affairs of local governments. It will, for example, mark the first time that one city will, in effect, have the power to annex a portion of another city.

I would trust that the majority of the members of the General Assembly will agree with me that passage of such legislation is unwise at this time.

## **DISSENTING STATEMENT OF RONALD R. WORKMAN**

While not opposed to the basic content of the procedure recommended by the City-County Relationships Commission, although I do question the capacity of the State Department of Health to select sites,\* I must disapprove of the order of institution of the proposed procedures in any scheme to resolve stated difficulties. The proposed mechanism for resolution of jurisdictional disagreements over the location of landfill sites and related issues should be used only as a last resort, certainly not as the first step. Modification of the recommendations to require regional consideration leading to the development of regional solid waste plans would provide a remedy whereby most disputes could be settled locally without involvement of the courts.

After all, the regional planning district commissions were established to deal with regional problems and issues. Indisputably, solid waste disposal does have clear and definable regional consequences and should, therefore, be handled, at least initially, by the regional bodies. This mode of procedure could be achieved by requiring the preparation and submittal of regional solid waste plans to the Department of Health in place of the single jurisdictional solid waste plans now required or on file with the Department. If, however, a region is unable to agree internally upon a solid waste plan and disposal sites, then at that point, the process recommended in the Report of the City-County Relationships Commission would be an appropriate alternative; but only then.

For what other purpose were the planning district commissions created?

The requirement of regional solid waste plans would encourage much needed cooperation rather than to lend support to the proliferation of conflict, to say nothing of the dollars that could be saved and the local polarity that could be prevented by avoiding the courtroom scene. To throw all touchy issues to the courts for decision is indeed in truth, a legislative "copout".

\* To suggest that the Bureau select sites, in the narrative section of the report, is beyond their current capacity and any reasonable expectation of sufficient manpower additions in the near future it would seem. The proposed legislation, however, appears to have taken care of this concern. The point is that the initial site identification and delineation should originate at the local-regional level.

## **FOOTNOTE**

1. The Commission was originally established by Chapter 234 of the 1971 Acts of Assembly.

A Bill to amend the Code of Virginia by adding a Chapter 8.1 in Title 15.1, consisting of sections numbered 15.1-291.1 through 15.1-291.19, relating to procedure for site selection for solid waste disposal.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a Chapter 8.1 in Title 15.1, consisting of sections numbered 15.1-291.1 through 15.1-291.19, as follows:

**Chapter 8.1.**

**Solid Waste Disposal Sites.**

**Article 1.**

**Procedure for Site Selection for Solid Waste Disposal.**

*§ 15.1-291.1. Initiation of proceeding.— Any county or city in the State that needs a site for solid waste disposal purposes within an ensuing five-year period, when the county or city is unable to find a suitable site for such purposes within its own boundaries and where it has been unable to conclude an agreement with another county or city for the disposal of solid wastes beyond its boundaries, may notify the State Health Commissioner of the need and request his assistance in selecting the site. Such notification shall include a selection of between one and three sites, either within or without the boundary of the initiating city or county, for consideration by the State Department of Health and a copy of said notification shall be mailed to the county or city wherein said proposed sites are located. The county or city wherein said sites are located may designate between one and three sites located either in the initiating city or county or within their own boundaries and notify the State Department of Health and initiating city or county of their designation within thirty days thereafter. Upon receipt of the notification, the State Health Commissioner shall cause the Department to proceed to evaluate and rank all sites recommended to it by a local governing body which are deemed suitable by the Department under the criteria set forth in § 15.1-291.2. The Department may also recommend, evaluate and rank additional sites which it deems particularly suitable for use by the county or city initiating the request for assistance, including the use of any existing solid waste disposal sites.*

*§ 15.1-291.2. Selection of alternative sites.—A. The State Department of Health, after consultation with appropriate county, city, and regional planning district officials, shall evaluate and rank all recommended sites which it deems suitable. It shall be the duty of the city or county making the recommendation of a site to furnish all data related to that site requested by the Department. The governing body required to furnish data and the Department shall have the right to enter upon any property for the purposes of obtaining and evaluating data.*

*B. Sites deemed suitable by the State Department of Health shall be:*

*1. Consistent with the applicable rules and regulations of the State Department of Health with respect to solid waste disposal;*

*2. Consistent with all environmental laws and regulations effective within the State;*

3. Consistent with all applicable environmental policies declared by the General Assembly;

4. Based upon a consideration of the established principles of land use planning;

5. Based upon a consideration of the existing comprehensive plans and zoning ordinances for the counties and cities where the sites may be located;

6. Based upon a consideration of the effect which any proposed solid waste disposal site may have on the surrounding area; and

7. Based upon a consideration of the economic costs to the counties and cities resulting from the use of the prospective solid waste disposal sites.

C. Sites deemed suitable by the State Department of Health shall not be restricted by any existing zoning ordinance or other regulation of any county or city.

§ 15.1-291.3. Referral of alternative sites to localities.—Following the evaluation and ranking of the alternative suitable sites, the State Department of Health shall provide a report to the governing body of the county or city initiating the proceeding under this chapter and to the governing bodies of each county and city where an alternative site is located. The report shall identify the alternative sites, offer an analysis of the positive and negative factors of each site, and present an evaluation and ranking of each site deemed suitable by it. The report shall be made within six months following the notification to the State Health Commissioner of the need for a solid waste disposal site.

§ 15.1-291.4. Appointment of an advisory commission; membership; expenses.—Upon receipt by the governing bodies of the report of the State Department of Health, there shall be established an advisory commission which shall review the report and make recommendations thereon to the appropriate governing bodies.

A. The Commission shall be established as follows:

1. For each separate proceeding brought under this chapter, each governing body of a county or city where a suitable site is located and the governing body of the county or city initiating the proceeding under this chapter shall each select three persons to serve on the Commission provided, however, no governing body shall select more than three persons to serve on such Commission regardless of the location of the proposed sites.

2. The State Health Commissioner shall appoint persons experienced in solid waste disposal matters, land use planning or in related areas, who are not residents of any county or city represented on the Commission, to serve as members on the Commission. The number of appointees by the State Health Commissioner shall be determined as follows: (i) if there are one or two counties or cities represented on the Commission, the State Health Commissioner shall appoint one person; (ii) if there are three counties or cities represented on the Commission, the State Health Commissioner shall appoint two persons; and (iii) if there are four or more counties or cities represented on the Commission, the State Health Commissioner shall appoint three persons.

C. No member of any commission established under this section shall be compensated for his services; provided, however, each member shall be entitled to the reimbursement of reasonable expenses incurred in the work of a commission. Each county or city shall pay the expenses of its appointive members on a commission, and the State shall pay the expenses of members appointed by the State Health Commissioner.

§ 15.1-291.5. Recommendation by commission; action by governing bodies.—A. The

*advisory commission shall submit its recommendation for the selection of one of the three alternative suitable sites to each governing body involved within six months after the governing bodies first received the report of the State Department of Health. In the event that the advisory commission cannot reach a majority agreement on a site, a statement declaring its inability to reach a majority agreement shall be made to each governing body involved within the same six months period.*

*B. If the governing body of the county or city initiating the proceeding under this chapter and the governing body of the county or city where the recommended site is located agree to accept the recommendation of the commission, such agreement by the governing bodies shall constitute full and complete authority for the use of such site for solid waste disposal purposes. No other permission, use permit, or license shall be required by the county or city where the site is located as a condition for the use of the site for solid waste disposal purposes. Provided, however, that the foregoing shall not be construed to prevent the State Department of Health or the county or city where the site is located from imposing reasonable conditions upon the operation of the site for solid waste disposal purposes.*

*§ 15.1-291.6. Judicial determination; petition; special court; eminent domain.—A. If, within nine months after first receipt of the report from the State Department of Health by the governing bodies involved, agreement has not been reached by such governing bodies on the selection of a solid waste disposal site, the county or city initiating the proceeding under this chapter may petition the circuit court having jurisdiction over such county or city for the convening of a special court to hear its petition. The special court shall be comprised of three judges of circuit courts, remote from the counties and cities involved in the proceeding, to be selected by the Chief Justice of the Supreme Court of Virginia. The petitioner shall make the county or city wherein each site deemed suitable by the Department is located and the property owners of each site deemed suitable, parties to said proceeding.*

*B. The court, without a jury, shall select one site from the suitable alternative sites proposed by the State Department of Health as the optimum site for use by the petitioning county or city based upon the criteria set out in § 15.1-291.2. The court shall enter an order designating such site for use by the petitioning county or city for solid waste disposal purposes and setting forth the terms and conditions regarding the acquisition and use of the facility as may be required. Such order shall allow the initiating locality to use the site upon payment of reasonable fees after it has been acquired. The order by the court shall constitute full and complete authority for the use of such site for solid waste disposal purposes, and no other permission, use permit, or license shall be required by the county or city where the site is located as a condition for the use of such site for solid waste disposal purposes following its acquisition. Provided, however, that the foregoing shall not be construed to prevent the State Department of Health or the county or city where the site is located from imposing reasonable conditions upon the operation of the site for solid waste disposal purposes.*

*C. The order of the special court designating a site for the purpose of solid waste disposal shall in any subsequent condemnation suit be deemed a finding that a public necessity exists for its acquisition.*

*§ 15.1-291.7. Additional parties.—In any proceedings brought under this article, any citizen who resides in a county or city wherein a site deemed suitable for solid waste disposal purposes by the State Department of Health is located may become a party to such proceedings by petition.*

*§ 15.1-291.8. Judicial procedure.—The rules of proceedings brought before a special court, as provided herein, shall be as provided by Chapter 25, Article 1, (§ 15.1-1032 et*

seq.) of Title 15.1 of the Code of Virginia to the extent applicable.

## **Article 2.**

### **Quick Take of Site.**

**§ 15.1-291.9. Authority to take possession and title to property before or during condemnation; purpose and intent of provisions.—**In addition to the exercise of the power of eminent domain prior to the entry upon land being condemned the acquiring local government is authorized to acquire title and to enter upon and take possession of such property for the purposes set out in the preceding article, as the acquiring local government may deem necessary, and proceed with the construction and use of such solid waste disposal facility, such taking to be made pursuant to the following sections.

It is the intention of these sections to provide that such property may, in the discretion of the acquiring local government, be condemned during the construction or within sixty days after commencement of use of such facility, as well as prior thereto, and to direct the fund out of which the judgment of the court in condemnation proceedings shall be paid, and to provide that in all other respects the provisions of this article shall apply, whether the property is condemned before, during the construction or use of the facility. But the acquiring local government constructing such facility under the authority of these sections shall use diligence to protect growing crops and pastures and to prevent damage to any property not taken. So far as possible all real property shall be acquired or contracted for before any condemnation is resorted to.

**§ 15.1-291.10. Payments into court before entering upon land.—**The acquiring local government shall pay into court, or to the clerk thereof, such sum as it shall estimate to be the fair value of the land taken, or interest therein sought, and damage done, based on a bona fide appraisal, before entering upon, or taking possession of, such land pursuant to the foregoing section.

**§ 15.1-291.11. Certificates in lieu of payments; payment of certificates; notice to owner.—**A certificate issued by the acquiring local government and countersigned by its treasurer, stating that any sum or sums of money designated therein will be paid pursuant to the order of court, when filed with the court wherein condemnation proceedings are pending, or are to be instituted, shall be deemed and held for the purpose of this article to be payment into the custody of such court. Payment against any such certificate so issued and countersigned, when ordered by the court named therein, shall be paid by its treasurer on warrants of the acquiring local government.

The acquiring local government shall give notice to the owner or tenant of the freehold by registered mail, if known, that such certificate will be filed.

**§ 15.1-291.12. Recordation of certificates; transfer of title or interest; land situate in two or more counties or cities.—**The certificate of the acquiring local government shall be recorded in the clerk's office of the court where deeds are recorded. Upon such recordation, the interest or estate of the owner of such property shall terminate and the title to such property or interest or estate of the owner shall be vested in the acquiring local government and such owner shall have such interest or estate in the funds held on deposit by virtue of the certificate as he had in the property taken or damaged, and all liens by deed of trust, judgment or otherwise upon such property or estate or interest shall be transferred to such funds. The title in the acquiring local government shall be defeasible until the reaching of an agreement between the acquiring local government and such owner, as provided in § 15.1-291.19, or the compensation determined by condemnation



*proceedings as hereinafter provided.*

*If the land affected by the certificate aforesaid is situate in two or more counties or cities, the clerk of the court wherein the certificate is recorded shall certify a copy of such certificate to the clerk of the court of the counties or cities in which any portion of the land lies, who shall record the same in his deed book and index it in the name of the person who had the land before and also in the name of the acquiring local government.*

*§ 15.1-291.13. Certificates to describe land and list owners.—The certificate shall set forth the description of the land or interest therein being taken or damaged, and the owner or owners, if known.*

*§ 15.1-291.14. Proceedings for distribution of funds; effect of acceptance of payments; evidence as to amount of deposit or certificate.—Any person or persons shown by such certificate to be entitled thereto may petition the court for the distribution of all or any part of the funds deposited with the court pursuant to § 15.1-291.10 or represented by a certificate recorded pursuant to § 15.1-291.11. A copy of such petition shall be served on the governing body of the acquiring local government or any attorney authorized to accept service with a notice returnable to the court or judge thereof in vacation not less than twenty-one days after such service, to show cause, if any, why such amount should not be distributed in accordance with the prayers of the petition. If said acquiring local government shall not, on or before the return day of the petition, show such cause, and if the record in the proceeding does not disclose any denial or dispute with respect thereto, the court shall enter an order directing the distribution of such amount in accordance with the prayers of the petition; provided, however, that in the case of a nonresident petitioner the court may in its discretion require a bond before ordering the distribution. If funds are not then on deposit with the court but are represented by a certificate pursuant to § 15.1-291.11, a certified copy of such order shall forthwith be sent to the governing body of the acquiring local government by the clerk. It shall be the duty of the acquiring local government to deposit such funds with the court within twenty-one days of the date of such order. Interest at the rate of interest provided in § 6.1-318 shall be payable on such funds for any period in excess of twenty-one days from the date of the order directing the distribution of such funds if the court finds that the acquiring local government is responsible for the delay in depositing the funds, and the order of the court directing the distribution shall be amended as shall be necessary to provide for the payment of accrued interest.*

*If the acquiring local government shall show such cause, or if the record in the proceeding disclose any denial or dispute as to the persons entitled to such distribution or to any interest or share therein, the court shall direct such proceedings as are provided by § 25-46.28 for the distribution of awards.*

*Provided, however, that the acceptance of such payment shall not limit the amount to be allowed by a acquiring local government in a condemnation proceeding, nor limit the rights of any party or parties to the proceeding to appeal from any decision therein; nor shall any party to such proceeding be entitled to introduce evidence of any amount deposited with the court or represented by a certificate, nor of any amount which has been accepted by any party entitled thereto pursuant to this section.*

*§ 15.1-291.15. Reformation, alteration, revision, amendment or invalidation of certificate.—Upon the recordation of such certificate, no reformation, alteration, revision, amendment or invalidation shall be made for any purpose without the prior consent of the court wherein such certificate is recorded. The court or judge in vacation shall have jurisdiction to reform, alter, revise, amend or invalidate in whole or in part any certificate, to correct mistakes in the description of the property affected by such certificate, to correct the name or names of the owner or owners in the certificate, to correct any other*

*error which may exist with respect to such certificate or for any other purpose. A petition filed by the acquiring local government with the court setting forth any error made in such certificate or the necessity of any change therein, shall be deemed sufficient basis for the reformation, alteration, revision, amendment or invalidation in whole or in part of such certificate. The court may enter an order permitting the reformation, alteration, revision, amendment or invalidation in whole or in part and such order, together with any revised certificate which may be necessary shall be spread in the current deed book, and reference made showing the book and page number of the order on the margin of the page wherein the original certificate was spread.*

*The filing of any certificate pursuant to the provisions of this section shall not alter the date of taking as established by the filing of the original certificate pursuant to § 15.1-291.12 as to any land which is included in the amended certificate, and no such amended certificate shall include any land not in the original certificate. Nothing herein contained shall be construed to prohibit or preclude any person damaged thereby, from showing in the proper proceeding the damage suffered by reason of such mistake or the invalidation of a certificate of deposit as herein provided.*

*§ 15.1-291.16. Fees of clerk of court.—Notwithstanding any other law to the contrary, the clerk of the court wherein any such certificate is filed shall receive the following fees, and no other:*

*(1) For the filing of any petition as provided in §§ 15.1-291.14, 15.1-291.15 and 15.1-291.19, the clerk shall be entitled to a fee of fifty cents to be paid by the petitioner.*

*(2) For the recordation of such certificate or copy thereof, as well as for any order of the court as herein provided, the clerk shall be entitled to the same fee as for recording a deed, to be paid by the party upon whose request such certificate is recorded or order is entered.*

*§ 15.1-291.17. When condemnation proceedings instituted; payment of compensation or damages; order confirming award; recording.—At any time after the recordation of such certificate, but within sixty days after the completion of the construction of such facility or beginning of use of such facility, if the acquiring local government and the owner or owners of such lands or interest therein taken or damaged by the acquiring local government are unable to agree as to the compensation or damages, if any, caused thereby, or such consent cannot be obtained due to the incapacity of the owners or one or more of them, or because such owner, or owners, be unknown or cannot with reasonable diligence be found within this State, the acquiring local government shall institute condemnation proceedings unless said proceedings shall have been instituted prior to the recordation of such certificate. The amount of such compensation and damages, if any, awarded to the owner or owners in such proceedings shall be paid out of the treasury of the acquiring local government. The final order confirming the commissioners' award shall confirm absolute and indefeasible title to the land, or interest therein sought, in the acquiring local government and shall be spread in the current deed book and reference be made showing the book and page number recordation on the margin of the page where the certificate was spread.*

*§ 15.1-291.18. Awards in greater or lesser amounts than deposit; interest.—In the event of an award in a condemnation proceeding being of a greater amount than that deposited by virtue of a certificate, the excess amount, together with interest accrued on such excess amount at the rate of interest provided in § 6.1-318 per annum from the date of such deposit to the date of payment into court, shall be paid into court for the person or persons entitled thereto. In no other instance shall interest be allowed on any award. In the event of an award in a condemnation proceeding being of a lesser amount than that deposited with the court, the acquiring local government shall recover the amount of such*

*excess and, if any person has been paid a greater sum than that to which he is entitled as determined by the award, judgment shall be entered for the acquiring local government against such person for the amount of such excess.*

*§ 15.1-291.19. Agreements as to compensation; petition and order of court thereon; disposition of deposit.—At any time after the recordation of such certificate, but prior to the institution of condemnation proceedings, if the acquiring local government and the owner, or owners of the land or interest therein taken or damaged are able to agree as to compensation for the land taken and damages, if any, caused by such taking, the acquiring local government shall file with the court a petition so stating, with a copy of the agreement attached. If condemnation proceedings are already pending at the time of reaching such agreement, no such petition shall be required, but the motion for dismissal of such proceedings shall contain an averment that such agreement has been reached. Upon the filing of such a petition, or a motion to dismiss, as herein provided, the court shall thereupon enter an order confirming absolute and indefeasible title to the land or interest therein in the acquiring local government. Such order shall be spread in the current deed book, and reference be made showing the book and page number recordation on the margin of the page where the certificate was spread. Upon entry of such order, the acquiring local government shall be relieved of further obligation by virtue of having filed such certificate of deposit with the court.*

*If it shall appear from such petition and agreement, or motion to dismiss a pending suit, that no person or persons other than those executing such agreement are entitled to the fund on deposit, the court shall direct that such fund, after payment therefrom of any taxes which may be charged against such land taken, be disbursed and distributed in accordance with the statement or charge in the petition, or motion, among the parties or persons entitled thereto. If it shall appear that a controversy exists as to the persons entitled to such fund, such distribution shall be made in accordance with the provisions of § 15.1-291.14 of the Code.*

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