



Virginia Local Government Law

November 1, 2012, Virginia Supreme Court Opinions Affecting Local Government Law

By: Andrew McRoberts. Thursday, November 1st, 2012

Today, the Virginia Supreme Court issued opinions affecting Virginia local government law, and evidently, the City of Virginia Beach and the law of beach replenishment:

112193 3232 Page Ave. Condo. Ass'n v. City of Virginia Beach 11/01/2012 In a city's suit to condemn certain easements in connection with a beach replenishment project, while alternatively claiming ownership of the easements, the circuit court had jurisdiction and was required to determine ownership of the condemned property as part of the condemnation proceeding. Based on public use and the city's exercise of dominion and control over the property, there was sufficient evidence proving that there was an implied dedication of this property and acceptance thereof by the city. Accordingly, the circuit court did not err in finding that the city had acquired ownership of the easements by implied dedication. The judgment of the circuit court is affirmed.

120086 Lynnhaven Dunes Condo. Ass'n v. City of Virginia Beach 11/01/2012 An authorizing ordinance fully encompassed the actions of a city in bringing a quiet title action in the nature of a condemnation proceeding, and the evidence was sufficient to support the circuit court's ruling that the city had proved that it had acquired certain easements by implied dedication. The circuit court erred, however, in ruling that a condominium association's loss of riparian rights caused by the creation of a sand beach was non-compensable. The beach replenishment project was not sufficiently related to the dredging of an inlet for navigation purposes because failure to place sand on a beach adjacent to plaintiff's property would not have substantially impaired the dredging operation. Accordingly, rulings of the circuit court are affirmed in part and reversed in part, and the matter is remanded for a just compensation hearing to determine the value of plaintiff's riparian rights.

The summaries are from **the Virginia Supreme Court website**. Simply click the case number to read the opinion.

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