

Bond Case Briefs

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EMINENT DOMAIN - VIRGINIA

City of Chesapeake v. Dominion SecurityPlus Self Storage, L.L.C.

Supreme Court of Virginia - April 28, 2016 - S.E.2d - 2016 WL 1697129

City filed condemnation action. The Circuit Court awarded damages to landowner. City appealed.

The Supreme Court of Virginia held that subdivision plat that reserved right of way constituted a waiver of damages to residue of property.

Subdivision plat that reserved 50-foot right of way in favor of city for purposes of future expansion of highway constituted a waiver of damages to residue of property, including waiver of loss of direct access to highway and loss of visibility, after city condemned right of way and additional property that was not within easement. Landowner had waived “any claim for damages” to residue, and there was no term of foreseeability.