

Bond Case Briefs

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EMINENT DOMAIN - VIRGINIA

Morgan v. City of Norfolk

Court of Appeals of Virginia, Williamsburg - January 20, 2026 - S.E.2d - 2026 WL 136044

Homeowner brought action against city for inverse condemnation, alleging that city damaged her house during project to construct pump station, and seeking declaratory judgment.

The Norfolk Circuit Court granted city's motion in limine, seeking to preclude homeowner from introducing evidence of damages from earlier stages of project, following a bench trial, granted city's motion to strike and dismissed in part and granted in part the claim for declaratory judgment, prior to jury trial, granted city's motion in limine to limit testimony of homeowner's expert, and awarded homeowner \$29,828 in attorney fees and costs. Homeowner appealed.

The Court of Appeals held that:

- Stabilization doctrine did not apply to extend accrual date of inverse condemnation action until end date of project;
- Evidence was insufficient to establish that city caused cracking in homeowner's house through concussions and vibrations during final phase of project;
- Court would not address homeowner's argument that her constitutional right to a trial by jury to determine just compensation was denied;
- Trial court limiting testimony from homeowner's expert regarding just compensation was warranted; and
- Trial court did not factor in displeasure with homeowner's counsel when it determined attorney fees award.