

Bond Case Briefs

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EMINENT DOMAIN - VIRGINIA

City of Hopewell v. Shree Arihant Motel, Inc.

Supreme Court of Virginia - July 16, 2026 - 932 S.E.2d 513

Owner of shopping center property brought action against city, asserting takings claim under state constitution, intentional trespass, statutory business conspiracy, tortious interference with business expectancy, waste, and declaratory judgment, arising from city's controlled burn of vacant shopping center.

Following removal to federal court and remand, city filed plea in bar to all but takings claim based on sovereign immunity. The Hopewell Circuit Court denied city's plea in bar, and city filed petition for interlocutory appeal.

The Supreme Court held that:

- Supreme Court would exercise its discretionary authority to grant city's petition for an interlocutory appeal, and
- City's decision to burn shopping center was an attempt to abate blight and thus was a "governmental function" for which city had sovereign immunity.

City's decision to burn shopping center was an attempt to abate blight and thus was a "governmental function" for which city had sovereign immunity from shopping center owner's tort claims for intentional trespass, tortious interference with business expectancy, business conspiracy, and waste, as well as claims for declaratory relief, even if city did not comply with the statutory and municipal provisions governing spot blight abatement and may have been motivated by the potential redevelopment of the property; city had expressly stated in notices to shopping center owner that it was a "blighted" property and was "dilapidated," "deteriorated," "unsafe," "unfit for human occupancy," and a danger to public health, safety, and welfare.