

Bond Case Briefs

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EMINENT DOMAIN - VIRGINIA

PKO Ventures, LLC v. Norfolk Redevelopment and Housing Authority

Supreme Court of Virginia - September 12, 2013 - S.E.2d - 2013 WL 4854363

City redevelopment and housing authority filed petition to condemn nonblighted property within approved redevelopment project. Owner of subject property filed answer and grounds of defense to condemnation. The Circuit Court granted redevelopment and housing authority's motion to strike owner's objections and affirmative defenses, and authorized taking of property by eminent domain. Owner appealed.

The Supreme Court of Virginia held that:

- Redevelopment and housing authority did not have statutory authority, after July 1, 2010, to acquire by eminent domain nonblighted property within redevelopment project by merely filing petition for condemnation prior to July 1, 2010, and
- Application of statute limiting exercise of eminent domain to eliminate blight to property that was itself blighted did not deprive redevelopment and housing authority of any vested right in nonblighted property.