

Bond Case Briefs

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EMINENT DOMAIN - VIRGINIA

Johnson v. City of Suffolk

Supreme Court of Virginia - December 10, 2020 - S.E.2d - 2020 WL 7251969

Lessees of oyster grounds brought inverse condemnation action against city and sanitation district, seeking declaratory judgment and alleging that discharges from a sewer system operated by city and district polluted the waters in which lessees raised their oysters.

The Circuit Court granted defendants' demurrers. Lessees appealed.

The Supreme Court held that alleged discharge of pollutants by city and sanitation district did not affect a property interest of lessees and thus could not support an inverse condemnation claim.

Alleged discharge of pollutants by city and sanitation district did not affect a property interest of lessees of oyster grounds and thus could not support an inverse condemnation claim by lessees, who asserted that pollution of water had prevented lessees from properly harvesting oysters; discharge did not interfere with lessees' rights to be on the leased lands, city and district did not remove or physically destroy the oysters, and nothing in leases conferred or presupposed a right to grow oysters in conditions free of pollution or guaranteed a lessee a commercially-viable oyster lease.