

Bond Case Briefs

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School Board of Stafford County v. Sumner Falls Run, LLC

Supreme Court of Virginia - July 3, 2024 - S.E.2d - 2024 WL 3281914

Owner of property near sites where county planned to build schools filed petition against county school board and Virginia Department of Transportation (VDOT) seeking declarations that school board could access site through private easement or county-owned road, that property owner had vested right to maintain existing intersection, that existing entrance of intersecting roads was exempt from VDOT's Access Management regulations, and that any taking of property beyond extending current easement would violate doctrine of necessity and Virginia Takings Clause.

The Stafford Circuit Court denied respondents' plea of sovereign immunity. Respondents filed interlocutory appeal.

The Supreme Court held that:

- Declaratory Judgment Act, by itself, is not an across-the-board waiver of sovereign immunity, and
- Property owner's claim for declaratory judgment that any taking of property beyond extension of easement would violate Takings Clause was not ripe for adjudication.

Property owner's claim against county school board, which was building schools nearby such property, for declaratory judgment that any taking of property beyond extension of existing easement would violate Virginia Takings Clause was not ripe for adjudication, where no taking had yet occurred, property owner did not allege that Commonwealth of Virginia or school board was on the cusp of damaging its property within the intendment of Takings Clause, and property owner did not dispute that any such taking would be for public purpose, as necessary to comport with Takings Clause.