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EMINENT DOMAIN - VIRGINIA

City of Virginia Beach v. Mathias

Court of Appeals of Virginia, Hampton - June 10, 2025 - S.E.2d - 2025 WL 1634117

City filed condemnation petition, seeking to acquire property for construction and alteration of public road. The Virginia Beach Circuit Court invalidated city's certificate of take and dismissed the petition without prejudice. City appealed.

The Court of Appeals held that, as matters of first impression:

- Statutory amendment to condemnation laws requiring a condemnor to conduct an examination of title, to provide a report of the examination of title, and provide owners a copy of all recorded instruments identified in the report applied to city's action;
- City's act in providing landowners with a title commitment that included some of the documents from the 60-year chain of title did not comply with statutory requirement that city provide 60-year history;
- City's act in providing landowners with a title commitment did not comply with statutory requirement that city provide a examination of title; and
- City was required to strictly comply with statutory requirements.

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