



Virginia Local Government Law

Virginia Supreme Court Opinion Affecting Local Government Law, January 10, 2013

By: **Andrew McRoberts**. *Thursday, January 10th, 2013*

Today, the Virginia Supreme Court issued one opinion affecting Virginia local government law. Congratulations to the County of Albemarle and the City of Charlottesville! The Local Government Attorneys of Virginia supplied an amicus brief. This opinion, yet again, shows how critical the preliminary, jurisdictional issue of a "justiciable controversy" can be in a declaratory judgment case.

110741 Charlottesville Fitness Operators Ass'n v. Albemarle County 01/10/2013 In declaratory judgment suits by commercial fitness club operators against a city and a county challenging the lease of public property to a non-profit organization for the construction and operation of a non-profit family fitness and recreation facility, along with a use agreement governing the leased property entered into between the city, county, and the non-profit entity, the claims asserted by the fitness clubs do not present a justiciable controversy over which the circuit courts could exercise subject matter jurisdiction. Accordingly, the judgments are vacated and the declaratory judgment actions are dismissed.

The summary is from the **Virginia Supreme Court website**. Simply click the case number above to read the opinion.

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