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Virginia Local Government Law

Va Supreme Court Opinions re: Local Government 4/15/10

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The Virginia Supreme Court issued three opinions involving localities as parties on April 15, 2010:

090659 City of Alexandria v. J-W Enterprises, Inc. 04/15/2010 In a contribution suit, the trial court did not err in finding that an off-duty police officer working an "extra-duty detail" at a restaurant was performing a public function when he pursued a group of patrons who did not pay their bill, and shot one of them in the parking lot when their car drove straight at the officer at a high rate of speed as he commanded the driver to stop. The claim for contribution was thus defeated, and the judgment dismissing the action is affirmed.

090803 Schefer v. City Council of Falls Church 04/15/2010 In a declaratory judgment action by a landowner against a city challenging a zoning ordinance that sets different building height limits for standard and substandard lots as an alleged violation of the uniformity requirement of Code § 15.2-2282, the circuit court did not err in granting summary judgment for the defendant city because it uniformly applies its building height regulations for one-family dwellings on standard lots and uniformly applies its building height regulations for one-family dwellings on substandard lots in the zoning district. On plaintiff's further contention that the ordinance violated equal protection principles, because the height regulation is not inherently suspect involving infringement upon fundamental rights, plaintiff was required to establish that the ordinance was unreasonable, and failed to do so. Therefore plaintiff failed to rebut the presumption of its validity. The judgment is affirmed.

090989 Bailey v. Town of Saltville 04/15/2010 Considering the language appearing in a 1909 agreement and deed contemporaneously made by the defendant's predecessors in title concerning an 80 foot-wide strip of property conveyed to a railroad company for use as a right of way, the deed conveyed a fee simple interest in that property, rather than an easement. The deed does not feature any words of limitation that modify the words of grant, and does not describe the interest being conveyed as anything other than a complete conveyance of land. Thus, the circuit court did not err in finding that the plaintiff town, to which the railroad company had transferred all of its right and title to the property and improvements thereto via quitclaim deed, is presently the fee simple owner. The judgment of the circuit court is affirmed.