

SUPREME COURT OF APPEALS OF WEST VIRGINIA

City of Martinsburg, West Virginia v. The Berkeley County Council and The Berkeley County Building Commission

825 S.E.2d 332 (W. Va. 2019) · No. No. 18-0182 · Decided March 15, 2019

SUMMARY

The Supreme Court of Appeals of West Virginia held that the Berkeley County Council and Berkeley County Building Commission's declaratory judgment action against the City of Martinsburg did not present an actual, justiciable controversy. Because the complaint concerned unspecified future projects and sought a general advisory ruling regarding the applicability of municipal zoning ordinances to county-owned property, the circuit court lacked jurisdiction under the Uniform Declaratory Judgments Act. The court vacated the circuit court's order granting declaratory relief.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Walker
JURISDICTION	West Virginia
DECIDED	March 15, 2019
DOCKET	No. 18-0182
DISPOSITION	vacated
PROCEDURAL POSTURE	The City appealed from the Berkeley County Circuit Court's denial of its motion to dismiss or for summary judgment and the court's entry of summary judgment and declaratory judgment in favor of the County.
STANDARD OF REVIEW	De novo review applies to a circuit court's entry of a declaratory judgment and the resulting grant of summary judgment.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	City of Martinsburg, West Virginia v. The Berkeley County Council, The Berkeley County Building Commission

TOPICS

subject matter jurisdiction

declaratory judgment

summary judgment

municipal law

statutory interpretation

PRACTICE AREAS

civil procedure

appellate procedure

municipal law

real estate

statutory interpretation

QUESTIONS PRESENTED

1. Whether the County's declaratory judgment complaint presented an actual, existing, justiciable controversy sufficient to confer jurisdiction under the Uniform Declaratory Judgments Act.
2. Whether the circuit court could issue a general prospective declaration concerning the applicability of Martinsburg's zoning ordinances to unspecified future County projects and properties.

HOLDINGS

1. The County's complaint did not present an actual, existing justiciable controversy because it identified no proposed project, specific property acquisition, building, intended use, or zoning action giving rise to a claimed legal right denied by the City. Without a justiciable controversy, the complaint was insufficient to confer jurisdiction under the Uniform Declaratory Judgments Act.

KEY QUOTATIONS

"Lacking a justiciable controversy, the underlying complaint for declaratory relief was insufficient to confer jurisdiction upon the circuit court under the Uniform Declaratory Judgements Act, and the resulting order granting declaratory relief must be vacated." (slip op. at 1)

"Courts are not constituted for the purpose of making advisory decrees or resolving academic disputes," (slip op. at 10)

FACTUAL BACKGROUND

The Berkeley County Council and Berkeley County Building Commission sought a declaration that twelve County Council properties and six Building Commission properties located within Martinsburg were not subject to the City's zoning ordinances. The complaint identified existing public properties, including the courthouse, judicial center, assessor's office, sheriff's department, and park, but did not identify any proposed project, specific building, intended use, or particular zoning ordinance application. The City maintained that its land-use authority extended to all land within its jurisdiction, including property owned by a unit of government.

PROCEDURAL HISTORY

The County sought a declaration that County-owned properties located within Martinsburg were not subject to the City's zoning ordinances. The circuit court denied the City's motion to dismiss or for summary judgment and granted summary judgment to the County. The Supreme Court of Appeals of West Virginia sua sponte addressed whether the declaratory judgment action presented a justiciable controversy and vacated the circuit court's order.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The January 29, 2018 circuit court order was vacated. The opinion does not state an express remand directive, but indicates that the County may amend its complaint to allege a specific project, location, and intended public use.

CASES CITED

- Cox v. Amick, 195 W. Va. 608, 466 S.E.2d 459 (1995)
- Hustead on Behalf of Adkins v. Ashland Oil, Inc., 197 W. Va. 55, 475 S.E.2d 55 (1996)
- West Virginia Utility Contractors Association v. Laidley Field Athletic and Recreational Center Governing Board, 164 W. Va. 127, 260 S.E.2d 847 (1979)
- Robertson v. Hatcher, 148 W. Va. 239, 135 S.E.2d 675 (1964)
- Mongold v. Mayle, 192 W. Va. 353, 452 S.E.2d 444 (1994)
- City of Charleston v. Southeastern Construction Co., 134 W. Va. 666, 64 S.E.2d 676 (1950)
- West Virginia Investment Management Board v. Variable Annuity Life Insurance Co., 234 W. Va. 469, 766 S.E.2d 416 (2014)
- State ex rel. West Virginia Deputy Sheriff's Association, Inc. v. Sims, 204 W. Va. 442, 513 S.E.2d 669 (1998)
- Alsop v. McCartney, 159 W. Va. 829, 228 S.E.2d 278 (1976)
- Harshbarger v. Gainer, 184 W. Va. 656, 403 S.E.2d 399 (1991)