> has been made out where reasonable persons could find that the City's failure to warn under those circumstances constituted gross negligence.

(App. 756).[8]

II. ASSIGNMENTS OF ERROR

1. The trial court erred in holding that a landowner has no duty to warn its invitees of hidden dangers when those dangers exist in natural bodies of water. (App. 573-80, 592-626, 751, 756, 888).

2. The evidence of the City's gross negligence presented a jury question and the trial court erred by striking the claim. (App. 573-80, 592-626, 751, 756, 888).

3. The evidence of the City's willful and wanton conduct presented a jury question and the trial court erred by striking the claim. (App. 573-80, 707-08, 719, 888).

4. The trial court erred in rejecting the proposed nuisance instructions when the instructions were supported by the evidence and correct statements of law. (App. 710-11, 713-14, 716-19, 721-22, 888).

III. STANDARDS OF REVIEW

A. WHETHER THE CITY HAD A DUTY TO WARN CHARLES

"The issue whether a legal duty in tort exists is a pure question of law." Kellermann v. McDonough, 278 Va. 478, 487, 684 S.E.2d 786, 790

[8] In reaching its conclusion regarding the City's duty to warn of hidden dangers, the trial court offered this seemingly incongruous interpretation of Washabaugh: "But what I think the Court is saying is it's an open and obvious danger because of the very fact that the dangers [in water] are hidden and it may be that you don't know about it when you get in." (App. 584-85).