

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & LAND USE - TEXAS

Meyers v. JDC/Firethorne, Ltd.

Supreme Court of Texas - June 8, 2018 - S.W.3d - 2018 WL 2749769

Land developer, as part of an action for mandamus relief, sought a permanent injunction that would direct county commissioner to cease and desist from instructing county engineering department from holding, delaying, or otherwise impeding plat applications and construction plans submitted by developer, which developer claimed was ultra vires conduct.

The District Court denied commissioner's plea to the jurisdiction. Commissioner appealed. The Houston Court of Appeals affirmed and remanded. Commissioner petitioned for review.

The Supreme Court of Texas held that developer's alleged injury was not redressable in a permanent injunction.

Land developer's alleged injury from county commissioner's purported directing of the county engineering department to delay acting on developer's plat applications and construction plans, which developer claimed was ultra vires conduct, was not redressable in a permanent injunction, and thus developer lacked standing to pursue commissioner in his official capacity for a permanent injunction to cease and desist from instructing engineering department from holding, delaying, or otherwise impeding developer's plat applications and construction plans; commissioner alone could not present a completed plat application to the commissioners court for approval, nor did he have authority, as an individual commissioner, to approve a plat application.