

# **Bond Case Briefs**

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## **EMINENT DOMAIN - TEXAS**

### **Morale v. State**

**Supreme Court of Texas - June 22, 2018 - S.W.3d - 2018 WL 3077320**

State initiated condemnation proceedings and property owners demanded jury trial.

The Probate Court entered judgment on jury's verdict. Appeal was taken, and the Fort Worth Court of Appeals reversed and remanded for new trial. Property owners petitioned for review.

The Supreme Court of Texas held that:

- Evidence that State had initially classified property owners as displaced due to partial taking of land that would result in owners no longer being able to operate collision repair shop was relevant to determination of property's highest and best use and corresponding market value;
- Property owners' proffered evidence as to State's motive for revoking initial classification of property owners as displaced was relevant;
- Testimony of owners' appraiser as to displacement value of land was not speculative, conjectural, and remote;
- Testimony of city engineer and city attorney regarding town's prior grants of zoning variances on unrelated properties was not relevant; and
- Any error in exclusion of testimony of city engineer and city attorney concerning town's grant of variances on unrelated properties was harmless.