

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - TEXAS

Collin County v. City of McKinney

Court of Appeals of Texas, Dallas - May 10, 2018 - S.W.3d - 2018 WL 2147926

Home-rule city brought action against landowner and county for declaratory and injunctive relief requiring landowner to obtain plat approval and building permits from city for storage facility within city's extraterritorial jurisdiction and to correct violations and prohibiting county from issuing permits. Landowner sought declaratory and injunctive relief that city lacked authority to require development approval.

The District Court granted and denied each party's summary judgment motion in part, declared that agreement between county and city ceding extraterritorial jurisdiction to city was enforceable, declared landowner was not required to obtain plat approval or building permits from the city, and awarded attorney fees to landowner. County and city appealed.

The Court of Appeals held that:

- City lacked authority to force landowner to obtain permits, inspections and approvals, and pay fees related to developing property;
- Neither agreement between city and county nor local government code gave city authority to require landowner to obtain permits to build;
- Landowner was required to obtain plat approval by city according to terms of agreement between city and county;
- Award of attorney fees was not appropriate.