

Bond Case Briefs

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EMINENT DOMAIN - TEXAS

Schrock v. City of Baytown

Court of Appeals of Texas, Houston (1st Dist.) - June 27, 2019 - S.W.3d - 2019 WL 2621736

Property owner brought regulatory-taking and declaratory-judgment claims against city, alleging that city denied him all economically viable use of property by refusing to provide water service to his property and seeking declaration that city's enforcement of ordinance against him resulted in inverse condemnation of his property for which no just compensation was paid.

Following rendition of summary judgment against property owner, which was overturned by the Court of Appeals granted city's motion for directed verdict after property owner rested his case at jury trial. Property owner appealed.

The Court of Appeals held that:

- Issues of both damages and whether a regulatory taking resulted from city's allegedly unreasonable interference with property owner's right to use and enjoy his property were for jury;
- Trial court lacked jurisdiction over property owner's declaratory judgment claim seeking a declaration that city's enforcement of its utility lien ordinance against him resulted in inverse condemnation of his property for which no just compensation was paid;
- Property owner's request for a declaration that certain sections of city's utility lien ordinance were invalid and conflicted with statute governing connection for municipal utility services was moot;
- Property owner's request for a clarification as to validity of city's utility lien was moot; and
- Trial court lacked subject-matter jurisdiction over property owner's request for a clarification as to his rights under the current version of city's utility lien ordinance.