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EMINENT DOMAIN - TEXAS

Tucker v. City of Corpus Christi

Court of Appeals of Texas, Corpus Christi-Edinburg - February 27, 2020 - S.W.3d - 2020 WL 948364

Automobile owners brought action against city alleging it improperly seized their antique automobiles pursuant to city's junked vehicles ordinance, alleging causes of action for conversion, trespassing, invasion of privacy, due process violations, among other claims.

Following a non-evidentiary hearing granted the city's plea to the jurisdiction and dismissed automobile owners' claims. Automobile owners appealed.

As a matter of first impression, the Court of Appeals held that Compliance with limitations period for a takings claim based on personal property was jurisdictional requirement for suit against municipality.

Compliance with two-year limitations period for claims alleging injury, conversion, or taking the personal property of another was jurisdictional prerequisite for automobile owners' claim alleging a taking based on municipality's seizing antique automobiles pursuant to municipal junked vehicles ordinance, such that untimely filing of suit gave rise to jurisdictional bar and case was subject to dismissal through municipality's plea to jurisdiction.

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