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EMINENT DOMAIN - TEXAS

Texas Department of Transportation v. Self

Supreme Court of Texas - May 17, 2024 - S.W.3d - 2024 WL 2226295

Landowners brought action against Texas Department of Transportation (TxDOT) and its contractor, alleging inverse condemnation and negligence arising from contractor's alleged removal of trees from portion of landowners' property that was outside TxDOT right-of-way across property while contractor was in the process of removing trees from the right-of-way.

The 97th District Court denied TxDOT's plea to the jurisdiction. TxDOT appealed, and the Fort Worth Court of Appeals affirmed in part and reversed in part.

The Supreme Court held that:

- Subcontractor's workers were not in the paid service of TxDOT and therefore were not TxDOT employees;
- TxDOT employees did not operate or use motor-driven equipment that cut down trees on landowners' property; and
- Allegations and evidence established claim for inverse condemnation, even if TxDOT did not intend to cut down any trees outside of easement.

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