

Bond Case Briefs

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EMINENT DOMAIN - TEXAS

Southwestern Bell Telephone, L.P. v. Emmett

Court of Appeals of Texas, Houston (14th Dist.) - May 9, 2013 - S.W.3d - 2013 WL 1909543

This dispute arose over who must bear the cost of relocating AT&T's telecommunications equipment located in a public right-of-way and attached to Forest Hill Street Bridge in Houston, which spans Brays Bayou near the Ship Channel. The issue arose in connection with a plan to demolish the existing City-owned bridge and replace it with a longer, wider one as part of a project to widen Brays Bayou.

Following an extremely complex analysis, the court of appeals concluded that the relocation costs at issue were "not clearly within the ... purview" of section 49.223 - the provision of the Water Code that requires payment for utility relocations. Because AT&T failed to establish its entitlement to payment under section 49.223 for the relocation costs at issue, the trial court properly granted summary judgment in favor of the County Commissioners and the City and properly granted summary judgment against AT&T.