

Bond Case Briefs

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TAKINGS - TEXAS

Mira Mar Development Corp. v. City of Coppell, Texas

Court of Appeals of Texas, Dallas - October 7, 2013 - S.W.3d - 2013 WL 5524860

Developer purchased property to develop a residential subdivision. Developer then sold the lots to a home builder.

Developer sued City based on delays and changes to the development plan that increased its costs and reduced the sale price of the lots.

Developer argued it was entitled to compensation as a matter of law because the City failed to prove certain imposed exactions were roughly proportional to the projected impact of the development.

The appeals court stated that, "To resolve these issues, we must first determine whether each requirement was an exaction and, if so, whether the City established (1) an essential nexus to the substantial advancement of a legitimate government interest and (2) the rough proportionality to the projected impact of the development. *Stafford Estates*, 135 S.W.3d at 634." The court then engaged in a remarkably thorough analysis of each of the disputed exactions.

Based on this analysis, the court reversed certain of the lower court's rulings on the exactions and sustained others. The net result was an increase in the amount awarded to Developer, from \$40,00 to \$96,000, plus attorneys' fees, although the Developer had sought \$800,000.