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UNIFORM DECLARATORY JUDGMENT ACT - TEXAS

City of San Antonio v. Rogers Shavano Ranch, Ltd.

Court of Appeals of Texas, San Antonio - February 19, 2014 - Not Reported in S.W.3d - 2014 WL 631484

Developers sued the City of San Antonio seeking declaratory relief to enforce their vested rights under Chapter 245. The developers sought declarations that either a water contract or a development sewer report constituted an "original application for permit," thereby vesting their rights against the application of subsequently adopted ordinances and regulations. In addition, the developers sought attorney's fees under the Uniform Declaratory Judgments Act (UDJA).

The City filed a plea to the jurisdiction, asserting its immunity was not waived with regard to the developers' claim for attorney's fees. After a hearing, the trial court denied the City's plea, and the City appealed.

The sole issue presented on appeal was whether a trial court has jurisdiction to award attorney's fees under the Uniform Declaratory Judgments Act in a lawsuit filed against a city by developers seeking to enforce their vested rights under Chapter 245 of the Texas Local Government Code.

The Court of Appeals held that the recovery of attorney's fees from the city under the UDJA was incidental to and redundant of the relief provided by Chapter 245, and thus reversed the trial court's order and dismissed the developers' claim against the city for attorney's fees.

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