

Bond Case Briefs

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INVERSE CONDEMNATION - TEXAS

City of Highland Haven, Texas v. Taylor

Court of Appeals of Texas, Austin - February 12, 2015 - Not Reported in S.W.3d - 2015 WL 655278

Homeowners filed cause of action against City and County, arguing that the sedimentation allegedly resulting from their construction of a bridge constituted inverse condemnation of their waterfront properties because they were no longer able to use the water in the channel as access to and from their property to adjoining lake.

In response, City and County filed pleas to the jurisdiction, arguing that Homeowners' claims were barred by governmental immunity because their pleading did not support a claim for inverse condemnation. The District Court denied the pleas. City and County appealed.

The Court of Appeals reversed the District Court's denial of the pleas to the jurisdiction and rendered judgment dismissing Homeowners' claims, finding that the Homeowners' had no property interest sufficient to support a takings claims and, thus, that the District Court lacked jurisdiction over those claims due to the fact that properties located on a man-made waterway cannot be vested with common-law riparian rights.