

Bond Case Briefs

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INVERSE CONDEMNATION - TEXAS

Padilla v. Metropolitan Transit Authority of Harris County

Court of Appeals of Texas, Houston (14th Dist.) - May 24, 2016 - S.W.3d - 2016 WL 2997098

Restaurant owners brought inverse condemnation action against county transit authority, alleging that construction of a light rail line blocked access to the restaurant for significant periods of time, forcing the closure of the restaurant.

The County Civil Court at Law granted transit authority's motion to dismiss for lack of subject-matter jurisdiction, and restaurant owners appealed.

The Court of Appeals held that:

- Affidavit by restaurant employee was not conclusory and was sufficient to create a genuine issue of material fact as to whether access to restaurant was totally blocked, and
- Genuine issue of material fact as to whether county transit authority knew light rail project was causing harm to restaurant property or was substantially certain to result in specific property damage precluded summary judgment.