

Bond Case Briefs

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INVERSE CONDEMNATION - TEXAS

Guadalupe County v. Woodlake Partners, Inc.

Court of Appeals of Texas, San Antonio - April 12, 2017 - Not Reported in S.W.3d - 2017 WL 1337650

County appealed the trial court's order denying the motion for summary judgment filed by County asserting governmental immunity.

The County contended that the trial court erred in denying the motion because the evidence established as a matter of law that any damage to the value of developer's property was proximately caused by the Federal Emergency Management Administration's (FEMA) revision of its 100-year flood plain maps and federal regulations governing development in flood plains and floodways, not by the County's adoption of its Flood Damage Prevention Court Order.

The Court of Appeals reversed, granting County's motion for summary judgment and dismissing developer's inverse condemnation claim for lack of subject matter jurisdiction.

The court found that the summary judgment evidence conclusively established as a matter of law that the County's inclusion of the provisions in the Flood Damage Prevention Court Order which formed the basis of developer's inverse condemnation claim did not cause developer any damages because developer would be required to comply with those same provisions to develop the lots based on the federal regulations. This negated the causation element of developer's takings claim as a matter of law.