

Bond Case Briefs

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Hunnicut v. City of Webster

Court of Appeals of Texas, Houston (14th Dist.) - February 17, 2022 - S.W.3d - 2022 WL 481795

Property owner and co-owner sought declaratory relief that owner's conveyance of 4.41 acres to the city was void or, alternatively, for rescission of her conveyance, as well as declaratory relief as to their ultra-vires claim against city's director of economic development for making allegedly false representations and promises in order to induce sale of the acreage.

The 190th District Court granted city's plea to the jurisdiction and rendered judgment in favor of the city and director. Owners appealed.

The Court of Appeals held that:

- Co-owner did not have an individual, justiciable interest in the case and therefore lacked standing;
- City was performing a governmental function when it solicited, designed, and constructed the roads on the conveyed property;
- Owner did not establish any waiver of governmental immunity;
- Owner did not articulate a viable claim against the city and thus could not substantiate a claim for remedy of rescission; and
- The allegedly false representations and promises made by director did not support an ultra-vires claim.