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EMINENT DOMAIN - TEXAS

City of Baytown v. Schrock

Supreme Court of Texas - May 13, 2022 - S.W.3d - 2022 WL 1510310 - 65 Tex. Sup. Ct. J. 985

Property owner brought regulatory-taking and declaratory-judgment claims against city, alleging that city denied him all economically viable use of property by refusing to provide water service to his property and seeking declaration that city's enforcement of ordinance against him resulted in inverse condemnation of his property for which no just compensation was paid.

Following rendition of summary judgment against property owner, which was overturned by the Court of Appeals the County Civil Court at Law granted city's motion for directed verdict after property owner rested his case at jury trial. Property owner appealed, and the Houston Court of Appeals affirmed in part, reversed in part, and remanded. City petitioned for review, which was granted.

The Supreme Court held that city's refusal to reconnect property owner's utility service, due to outstanding utility bills, which prohibited owner from renting out the property did not constitute a regulatory taking.

City's refusal to reconnect property owner's utility service, due to outstanding utility bills, which prohibited owner from renting out the property did not constitute a regulatory taking; ordinance did not regulate land use, but instead permitted the city to refuse to connect utility service to the property until outstanding utility bills associated with the property were satisfied, city's regulation of utility service was not a regulation of the property itself, and property owner's claim was for city's alleged wrongful enforcement of its ordinance, rather than for a taking of private property.

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