

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - TEXAS

In re Breviloba, LLC

Supreme Court of Texas - June 24, 2022 - S.W.3d - 2022 WL 2282598 - 65 Tex. Sup. Ct. J. 1679

Following proceeding in which landowner filed petition for writ of mandamus seeking to compel the County Court at Law to set aside order denying landowner's plea to the jurisdiction and motion to transfer proceedings to district court in action in which pipeline builder sought to condemn portion of landowner's property and landowner asserted counterclaims, in which the Waco Court of Appeals granted the petition, pipeline builder petitioned for writ of mandamus in which it argued county court at law had jurisdiction over counterclaims and therefore entire case.

Holding:

The Supreme Court held that county court at law had jurisdiction over pipeline builder's action seeking to condemn portion of landowner's property and landowner's asserted counterclaims.

County court at law had jurisdiction over pipeline builder's action seeking to condemn portion of landowner's property and landowner's asserted counterclaims totaling over \$13 million, though counterclaims exceeded court's statutory jurisdictional limit; counterclaims were part of eminent domain case as gravamen of landowner's counterclaims was challenge to pipeline builder's eminent domain authority, and concurrent jurisdiction statute granted court jurisdiction over eminent domain cases which was not subject to an amount-in-controversy limitation.