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EMINENT DOMAIN - TEXAS

State by and Through Texas Transportation Commission v. Suleiman

Court of Appeals of Texas, Houston (14th Dist.) - June 30, 2022 - S.W.3d - 2022 WL 2350048

Landowner and its registered agent brought action against State seeking declaration that prior settlement between registered agent, who owned adjacent parcel, and State precluded State from condemning landowner's property, and seeking injunction prohibiting State from taking landowner's property.

The District Court denied the State's motion to dismiss for lack of jurisdiction, and motion to abate the case. State brought interlocutory appeal challenging denial of motion to dismiss, and petitioned for writ of mandamus challenging denial of motion to abate.

The Court of Appeals held that county court had exclusive jurisdiction to determine issues raised in objections to condemnation award, and thus district court lacked subject matter jurisdiction over proceeding.

Landowner's filing of objections to special commissioners' award provided county court with exclusive jurisdiction to determine issues raised in objections, including landowner's contention that condemnation violated settlement agreement between State and landowner's registered agent concerning State's condemnation of adjoining parcel owned by agent, and thus district court lacked subject matter jurisdiction over proceeding brought by landowner and registered agent to enjoin State from condemning landowner's property based upon alleged violation of settlement agreement; request to enjoin state from violating settlement was not materially different from asking district court to enjoin condemnation proceeding, over which county court had exclusive jurisdiction.

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