

Bond Case Briefs

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EMINENT DOMAIN. - TEXAS

St. Maron Properties, L.L.C. v. City of Houston

United States Court of Appeals, Fifth Circuit - August 21, 202. - F.4th - 2023 WL 5346633

Property owners brought § 1983 and state-law claims against city in state court, alleging violations of the takings clause, the due process clause, and the equal protection clause arising from alleged damage to properties through dumping of construction materials and subsequent remediation efforts.

Case was removed. The United States District Court for the Southern District of Texas granted city's motion to dismiss. Owners appealed.

The Court of Appeals held that:

- Owners sufficiently alleged an official government policy, as required to state claim for municipal liability under § 1983;
- Owners sufficiently alleged an official policymaker, as required to state claim for municipal liability under § 1983; and
- Owners sufficiently alleged a direct causal link between municipal policy and alleged constitutional deprivation, as required to state claim for municipal liability under § 1983; but
- Under Texas law, property owners' claims against city for negligence, trespass, nuisance, conversion, conspiracy, and violation of the Texas Theft Liability Act arose from sanitary and storm sewers, and thus, pursuant to Texas Tort Claims Act, city had sovereign immunity from claims unless such immunity was otherwise waived.