

Bond Case Briefs

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EMINENT DOMAIN - TEXAS

Alamo Heights Independent School District v. Jones

Court of Appeals of Texas, El Paso. August 28, 2024--- S.W.3d ----2024 WL 3970738

Three former residents of apartment complex, who were displaced when the complex was purchased by school district, sued the district and several of its officials, seeking relocation expenses, relocation assistance, and injunctive relief under eminent domain statutes, and bringing ultra vires claim alleging that defendants failed to provide such assistance.

After denying defendants' first motion for summary judgment on the merits, from which defendants did not appeal, the District Court denied defendants' motion for summary judgment, which made same arguments as first motion but also raised a jurisdictional plea based on governmental immunity. Defendants filed interlocutory appeal, and residents moved to dismiss appeal.

The Court of Appeals held that:

- Interlocutory appeal of second summary judgment motion was timely;
- Residents could not maintain an ultra vires suit against school district, as such suits could only be brought against the district officials acting in their official capacity;
- Relocation assistance provision of eminent domain statute did not apply to property acquired in ways other than eminent domain;
- Residents were not entitled to moving expenses under statute; and
- Residents could not maintain ultra vires action against school district officials.