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EMINENT DOMAIN - TEXAS

Litinas v. City of Houston

Court of Appeals of Texas, Houston (14th Dist.) - December 5, 2024 - S.W.3d - 2024 WL 4982561

Landowner brought inverse condemnation action against city and local redevelopment authority, alleging that road and sidewalk modifications to accommodate bicycle lane and new sidewalk as part of capital improvement program would eliminate head-in parking for landowner's flower shop.

City filed plea to jurisdiction, arguing that landowner failed to plead or prove actionable vested property interest to pursue inverse condemnation claim. The County Civil Court at Law sustained the plea to the jurisdiction, and landowner appealed.

The Court of Appeals held that landowner sufficiently alleged that construction project would materially and substantially impair access to the shop.

Landowner sufficiently alleged that road construction project, which would eliminate head-in parking at landowner's fast-service florist shop, materially and substantially impaired access to the shop, as required to survive city's plea to the jurisdiction to landowner's inverse condemnation claim; while landowner had alternate access points to the shop, and also had a spillover parking lot across the street, overall impact of the curbing and other improvements effectively eliminated virtually all store-front head-in parking spots on the lot with the flower shop, and landowner alleged that head-in parking was critical to servicing repeat customers and impulse buyers.

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