
ZONING & PLANNING - TEXAS

Keenan v. Robin

Supreme Court of Texas - December 31, 2024 - S.W.3d - 2024 WL 5249568

Subdivision lot owners brought action against owners of cattle ranch which occupied remaining subdivision lots, alleging trespass by cattle, as well as a claim for malicious prosecution, and requesting declaratory and injunctive relief regarding ranch owners' erection of fences, gates, or other obstructions across subdivision streets.

The District Court granted ranch owners' motion for summary judgment. Subdivision lot owners appealed, and the Amarillo Court of Appeals affirmed in part and reversed in part. The Supreme Court granted a petition for review.

The Supreme Court held that:

- Lot owner's declaration constituted some evidence that cattle from ranch trespassed on his subdivision lot;
- Lot owner did not establish past monetary damages from the alleged trespass;
- Subdivision plat of record established that subdivision streets were dedicated as public rights of way;
- Ranch did not have any right to place fences or gate across subdivision streets; and
- There was no evidence ranchers actually knew they did not own the subdivision area where subdivision lot owner tore down fence and gate installed by ranch when they reported the destruction to the sheriff.

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