

" Texas Supreme Court finds that landowners have valid inverse condemnation claims against San Jacinto River Authority"

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The opinion in this case can be summarized in the following way:

- 1. The Plaintiff's alleged a "taking", under both the Constitution and under Government Code 2007. A Constitutional taking occurs when the government either notifies you in advance that your property will be taken by the government for public use and compensates you accordingly (condemnation); or when the government physically "takes" your property and the landowner must sue after the fact in order to be compensated by the government (Inverse condemnation). The plaintiff's here claimed the latter, an inverse condemnation.**
- 2. SJRA attempted to dismiss the case and force the plaintiff's to refile the case in Harris County Civil Court on the grounds that all eminent domain claims must be heard in a civil court in Harris County. This attempt was denied on the grounds that Government Code 2007 allows the plaintiff's to sue in the district court.**

3. SJRA then argues that Gov't Code 2007 does not apply to physical takings, but only to regulatory takings (where government regulations strip the economic value of your land), which this case is not. The court found that Gov't Code 2007 applies to physical takings, so SJRA's attempt to dismiss the 2007 claim failed.

4. SJRA then attempted to argue that even if 2007 applies to physical takings, this claim should be dismissed because their actions were necessary to prevent immediate threat to life and property (this is an exception to gov't liability under this statute). However, the court denied SJRA's motion to dismiss, because they were unable to show that they had a "reasonable good faith belief" that there was an "imminent threat to life and property."

Simply put, the plaintiff's in this case sued for inverse condemnation under the Constitution and statute, Gov't Code 2007. The Supreme Court found their claims to be valid and refused to dismiss them. This means that landowners whose property is damaged by Texas River Authority's actions in releasing water and flooding properties downstream may have viable inverse condemnation claims under both the Constitution and Government Code 2007 against the River Authority.

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