

Statesman

Peaces awarded \$297K in lawsuit

By Rachel Rice

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A jury awarded Carrie and Jeff Peace \$297,000 in damages in their lawsuit against the city of West Lake Hills for a “taking” of their property, which Travis County 261st District Judge Karin Crump determined to have taken place when the city changed the Peaces’ lot from two plats to one.

In the ongoing litigation between the Peaces and the city of West Lake Hills, most of the Peaces’ civil rights violation claims against the city have been thrown out. However, Crump ruled in the Peaces’ favor on two claims – that the city of West Lake Hills violated the Texas Open Meetings Act during its June 12 council meeting and that the Peaces suffered a taking of their property.

“We had an expert witness in the industry testify that what the city did prevented the Peaces from being able to have an insurable title on their property,” said Jim Schober, the Peaces’ lawyer. “If they tried to sell it, they can’t get a clean title policy. Then we had an expert witness on damages, a property appraiser, who gave his opinion on how much damage was done to the property as a loss of value.”

When the Peaces bought their property in 2011, they understood the property to be two lots, but because the city said the property’s previous owner, Amy Hovis, didn’t meet contractual obligations in order for the property to become two lots, they reverted the lots back to one in 2013.

“In December, the judge issued several rulings — most of them favorable to the city, dismissing most of the Peaces’ claims and dismissing the individual city officials as parties,” City Attorney Alan Bojorquez said in a statement released April 6. “Two rulings were in favor of the Peaces. We respectfully disagree with those two rulings. One of those rulings was heard this week by a jury, which was

told to determine the amount of monetary damages to award the Peaces as compensation for the supposed 'taking.' We respectfully disagree with the court's finding that there was a taking."

"I'm not surprised by the jury's verdict, because juries often rule against cities in cases like these," former Mayor Dave Claunch said. "It should never have gone to a jury, because a taking didn't occur ... the city wasn't allowed to tell the jury that it had offered to re-plat the Peaces' property on numerous occasions."

The city has argued there was no taking because "the plat was invalid by operation of law," but Schober said the court threw out this argument.

"The document (the city) filed in the deed records is not a standard way of doing things," Schober said. "When title companies look at this document, they don't know what to do with it. It's just kind of a weird document — they took an older document and stamped the word 'void' across it, which is not normally how property rights get changed."

The \$297,000 awarded to the Peaces isn't what either camp hoped for — more than what the city wanted to give, but less than what the Peaces thought they should get, the attorneys said.

"I think it's common for juries to split the baby," Bojorquez said. "Both witnesses who testified for both sides were experienced appraisers, and they both explained their methods, and the attorneys from each side cross-examined them and criticized them and dug into how they came up with their numbers. In the end, the jury didn't go for either one — they took a number of their own. Obviously, the city is not pleased with the ruling or the jury award. Now the City Council has to decide what to do with that information."

A statement released from the Peaces through Schober indicates they're pleased with the principle of the ruling.

"The jury's verdict was an important vindication of our rights," the emailed statement read. "Now that this part of the process is over, we hope that city leadership will finally acknowledge that we were wronged. We've said it. Other members of the community have said it. A Travis County judge has said it. And now a jury has said it. The only question is whether anyone at City Hall is listening."

