

Rowlett

News Release

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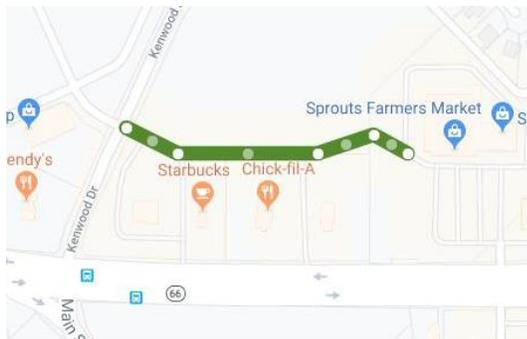
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Texas Supreme Court Rules in Favor of the City of Rowlett

ROWLETT, TEXAS— On Friday, May 17, 2019, the Texas Supreme Court ruled in favor of the City of Rowlett in a lawsuit brought against them by KMS Retail Rowlett, LP (“KMS”).

In 2014, the City of Rowlett exercised its eminent-domain authority, as provided by the Texas Constitution, to take KMS’ private-road easement and convert it to a public road connecting several commercial retail and restaurant sites. KMS argued the taking violated both the Texas Constitution’s public-use requirement as well as chapter 2206 of the Texas Government Code.



The private-road easement ran behind four commercial sites built along Lakeview Parkway and occupied by a Wells Fargo bank, a Starbucks, a Chick-fil-A, and an Arby’s. As part of its limited development of the tract, KMS built a private drive that allowed access to these four sites from the west-northwest via Kenwood Drive. The drive extended the length of the four commercial sites, but no farther, leaving a stretch of vacant land between the edge of the four sites and a tract of land owned by Briarwood Armstrong, LLC (“Briarwood”) and eventually occupied by Sprouts.

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This case was about the City’s eventual decision to condemn the land necessary to extend the private drive to connect the KMS and Briarwood tracts and convert it to a public road. The trial court granted partial summary judgment in the City’s favor and denied KMS’ motion for summary judgment altogether. The court of appeals affirmed the trial court’s judgment. Ultimately, the Texas Supreme Court agreed with the court of appeals that the taking was necessary for a constitutional public use. The conversion of the private easement to a public roadway insures improved cross access between the Sprouts shopping center and the Walmart location, provides improved access to all adjacent sites by first responders, and will help to reduce any increased traffic on Lakeview Parkway caused by the property development.

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