

Dear Colleagues, Clients and Friends of the Firm,

Welcome to another issue of **Eminent Domain Plus+**.

Our mission is to deliver information that you find relevant, interesting and helpful.

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Today's Post: Project Suspended? Now what?

In March of 2020, Phillips 66 and Plains All American Pipeline suspended the 650-mile Red Oak pipeline, an ambitious project designed to transport 400,000 barrels of oil from Oklahoma to Corpus Christi. Other pipeline companies have slowed down their acquisitions, leaving landowners in limbo.

In the Eagle Ford days, pipeline companies were loath to file eminent domain lawsuits. Part of this was due to the reluctance to sour negotiations with landowners that pipeline companies were sure to see again soon on the next project.

Landowners saw things change course in 2019. Pipeline companies began to file original petitions in condemnation just as soon as the relatively short statutory wait time required by the Texas Property Code's *bona fide* offer process had run. With that came additional speed and a push for quick special commissioner hearings. For landowners with significant holdings or complex land uses, hiring an eminent domain lawyer early became a necessary and prudent move. With that came the hiring of appraisers as well as other expenses.

The suspension or abandonment of projects is not unique to the pipeline arena or to the current Covid-19 economy. In road expansion cases, engineering design plans evolve, sometimes leading to the dismissal of a parcel altogether. And, in January of 2020, South Texas Electric Cooperative re-routed its electric transmission line in Hidalgo County after filing several petitions in condemnation, necessitating a swath of dismissals.

Fortunately, the Texas Property Code reimburses property owners for their attorney's fees, expert fees and other expenses, provided they are reasonable and necessary, and only after a dismissal of a lawsuit. *See* Tex. Prop. Code § 21.019 (b) ("A court that hears and grants a motion to dismiss a condemnation proceeding made by a condemnor ... shall make an allowance to the property owner for reasonable and necessary fees for attorneys, appraisers, and photographers and for the other expenses incurred by the property owner to the date of the hearing.").

Given this, property owners should consult with their attorneys regarding how soon to engage experts. And, if a condemnor voluntarily dismisses a lawsuit (a discussion for another day), the landowner's § 21.019 motion must be filed within 30 days.

Ten Small Texas Towns to See

As much as we battle TxDOT for just compensation for our landowner clients, we have to admit that we do love our Texas Highways. We thought you would enjoy some articles from the August issue of *Texas Highways Magazine*. It includes vignettes about [10 small Texas towns](#) from Presidio to Mineral Wells, as well as some beautiful portraits of [small-town life](#).

Closing Thoughts:

Happy Friday, and enjoy your weekend! Stay strong, and stay well!

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This document is intended to provide general information about legal matters of current interest. This document is not intended as legal advice applicable to specific facts and circumstances, nor does it create any attorney-client relationship between any reader and SPIVEY VALENCIANO, PLLC. Readers should not act upon the information contained in this document without professional counsel.

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About SPIVEY VALENCIANO, PLLC

SPIVEY VALENCIANO, PLLC is a litigation boutique that represents property owners across the the State of Texas in complex eminent domain matters. The firm also represents property owners with significant holdings or affiliated property owners in contested PUC electric transmission line routing cases (CCN Applications). The firm also represents clients in select litigation matters and is frequently engaged to serve as trial co-counsel in pending jury trials. The firm provides complimentary case reviews for prospective eminent domain clients, which may be scheduled by contacting Jim or Soledad via email.

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