

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Bellingham Enterprises, LLC v. Colby Constructors, LLC; Travis County Commissioners Court; Andy Brown in his Official Capacity as County Judge; Margaret Gómez in her Official Capacity as County Commissioner; Ann Howard in her Official Capacity as County Commissioner; Brigid Shea in her Official Capacity as County Commissioner; and Jeff Travillion in his Official Capacity as County Commissioner

No. 03-22-00233-CV · No. 03-22-00233-CV · Decided June 24, 2022

SUMMARY

The Texas Court of Appeals, Third District, temporarily enjoined a Travis County Commissioners Court order vacating a drainage easement while considering Bellingham Enterprises, LLC's emergency motion for temporary relief under Texas Rule of Appellate Procedure 29.3. The court ordered the appellees to respond by July 8, 2022, and permitted appellant to file a reply by July 15, 2022.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Chief Justice Byrne; Justice Kelly; Justice Smith
JURISDICTION	Texas
DECIDED	June 24, 2022
DOCKET	03-22-00233-CV
DISPOSITION	other
PROCEDURAL POSTURE	During the pendency of an appeal, Bellingham Enterprises, LLC moved for emergency temporary relief under Texas Rule of Appellate Procedure 29.3.
PRECEDENTIAL VALUE	published
PARTIES	Bellingham Enterprises, LLC v. Colby Constructors, LLC, Travis County Commissioners Court, Andy Brown in his Official Capacity as County Judge, Margaret Gómez in her Official Capacity as County

Commissioner, Ann Howard in her Official Capacity as County
Commissioner, Brigid Shea in her Official Capacity as County
Commissioner, Jeff Travillion in his Official Capacity as County
Commissioner

TOPICS

injunctions appellate procedure easements real estate municipal law

PRACTICE AREAS

appellate procedure real estate municipal law easements injunctive relief

QUESTIONS PRESENTED

1. Whether the court of appeals should temporarily enjoin the Travis County Commissioners Court's Order of Vacation under Texas Rule of Appellate Procedure 29.3 while considering Bellingham's motion for temporary relief.

HOLDINGS

1. Pending further order, the court temporarily enjoined the Travis County Commissioners Court's Order of Vacation to preserve the status quo while the court considered Bellingham's emergency motion for temporary relief.

KEY QUOTATIONS

“[T]he appellate court may make any temporary orders necessary to preserve the parties’ rights until disposition of the appeal” (2)

FACTUAL BACKGROUND

The Travis County Commissioners Court entered an Order of Vacation concerning a drainage easement located in Travis County. The easement was recorded as Document 2021127427 in the Official Public Records of Travis County. During the resulting appeal, Bellingham sought temporary relief to preserve the status quo.

PROCEDURAL HISTORY

The appeal arose from the 98th District Court of Travis County, in cause number D-1-GN-21-003396. While the appeal was pending, Bellingham sought an order enjoining the Travis County Commissioners Court's vacation of a drainage easement. The court of appeals temporarily enjoined the order of vacation pending further order and requested briefing on the motion for temporary relief.

DISPOSITION

other

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-22-00233-CV Bellingham Enterprises, LLC, Appellant v. Colby Constructors, LLC; Travis County Commissioners Court; Andy Brown in his Official Capacity as County Judge; Margaret Gómez in her Official Capacity as County Commissioner; Ann Howard in her Official Capacity as County Commissioner; Brigid Shea in her Official Capacity as County Commissioner; and Jeff Travillion in his Official Capacity as County Commissioner, Appellees FROM THE 98TH DISTRICT COURT OF TRAVIS COUNTY NO. D-1-GN-21-003396, THE HONORABLE KARIN CRUMP, JUDGE PRESIDING ORDER PER CURIAM Appellant Bellingham Enterprises, LLC has filed an emergency motion for Rule 29.3 temporary relief.

Appellant asks the Court to grant temporary relief, during the pendency of this appeal, and enjoin the Travis County Commissioners Court's "Order of Vacation," vacating a certain drainage easement located in Travis County and recorded as Document 2021127427 in the Official Public Records of Travis County.

To preserve the status quo of the appeal while the Court considers the motion for temporary relief, pending further order of this Court, we temporarily enjoin the "Order of Vacation." See Tex. R. App. P. 29.3 ("[T]he appellate court may make any temporary orders necessary to preserve the parties' rights until disposition of the appeal....").

The Court requests that appellees file a response to the motion for temporary relief on or before July 8, 2022. Appellant may file a reply on or before July 15, 2022. It is ordered on June 24, 2022. Before Chief Justice Byrne, Justices Kelly and Smith Filed: June 24, 2022 2