

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Kathleen Miller, Travis Richardson, and Ronnie Richardson v. City of Mont Belvieu, Texas

No. 01-25-00235-CV, Court of Appeals for the First District of Texas (June 23, 2026)

SUMMARY

The Texas Court of Appeals dismissed an interlocutory appeal for want of jurisdiction because the plea to the jurisdiction had been filed by the property owners rather than a governmental unit. The court also declined to construe the appellants’ brief as a petition for writ of mandamus in a condemnation proceeding involving undivided property interests.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Clint Morgan; Justice Gunn; Justice Caughey; Justice Morgan
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	June 23, 2026
DOCKET	01-25-00235-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of the property owners' plea to the jurisdiction in a condemnation proceeding.
PRECEDENTIAL VALUE	Published
PARTIES	Kathleen Miller, Travis Richardson, Ronnie Richardson v. City of Mont Belvieu, Texas

TOPICS

- interlocutory appeal
- appellate jurisdiction
- eminent domain municipal
- civil procedure
- municipal law

PRACTICE AREAS

- appellate procedure
- eminent domain
- municipal law
- civil procedure

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over an interlocutory appeal from the denial of a plea to the jurisdiction filed by private property owners rather than a governmental unit under Texas Civil

Practice and Remedies Code section 51.014(a)(8).

2. Whether the court should construe the property owners' appellate brief as a petition for writ of mandamus.

HOLDINGS

1. The Court of Appeals lacked jurisdiction under Texas Civil Practice and Remedies Code section 51.014(a)(8) because the plea to the jurisdiction was filed by the property owners, not by a governmental unit.
2. The court declined to construe the property owners' appellate brief as a petition for writ of mandamus.

FACTUAL BACKGROUND

The City of Mont Belvieu initiated condemnation proceedings to expand its municipal golf course over property owned in equal, undivided interests by three siblings. After special commissioners assessed damages, the property owners challenged the proceeding, asserting that one owner had not received notice of the special commissioners' hearing.

PROCEDURAL HISTORY

The City initiated a condemnation suit to acquire property interests for expansion of its municipal golf course. After special commissioners assessed damages, the property owners filed a plea to the jurisdiction alleging that one owner had not been served notice of the special commissioners' hearing. The trial court denied the plea. The Court of Appeals dismissed the interlocutory appeal for want of jurisdiction and declined to construe the appellants' brief as a petition for writ of mandamus.

DISPOSITION

dismissed

OPINION

PER CURIAM.

Opinion issued June 23, 2026 In The Court of Appeals For The First District of Texas NO. 01-25-00235-CV KATHLEEN MILLER, TRAVIS RICHARDSON, AND RONNIE RICHARDSON, Appellants V. CITY OF MONT BELVIEU, Appellee On Appeal from the 344th District Court Chambers County, Texas Trial Court Case No. 21DCV0619 MEMORANDUM OPINION To expand its municipal golf course, the City of Mont Belvieu initiated a condemnation suit over a certain tract of real property owned by three siblings in equal, undivided interests (“property owners”).

After the special commissioners assessed damages due to the property owners, the property owners filed a plea to the jurisdiction based on the failure to serve notice of the special

commissioners' hearing on one of the owners.

The trial court denied the property owners' plea to the jurisdiction. In two issues, the property owners contend the special commissioners' award condemning their undivided property interests was void due to lack of jurisdiction for failing to serve notice on one of them. But we do not have jurisdiction over this interlocutory appeal under Texas Civil Practice and Remedies Code section 51.014(a)(8) because the plea to the jurisdiction was filed by the property owners, not a governmental unit.

See TEX. CIV. PRAC. & REM. CODE § 51.014(a)(8). After asking the parties to address whether we have jurisdiction over this appeal, the property owners requested that we construe their brief as a petition for writ of mandamus.

We decline to do so. Thus, we dismiss this appeal for want of jurisdiction. Clint Morgan Justice Panel consists of Justices Gunn, Caughey, and Morgan. 2