



Filed in The District Court  
of Travis County, Texas

DEC 13 2018 JC  
At 3:36 P.M.  
Velva L. Price, District Clerk

DUSTIN M. HOWELL  
Judge  
(512) 854-9384

459TH DISTRICT COURT  
HEMAN MARION SWEATT  
TRAVIS COUNTY COURTHOUSE  
P. O. BOX 1748  
AUSTIN, TEXAS 78767

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December 13, 2018

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**Re: Cause No. D-1-GN-18-006839; Lori Hunt, et al. v. City of Austin; in the 250<sup>th</sup>  
District Court of Travis County, Texas**

Dear Counsel:

As the Assistant City Attorney conceded at the November 29, 2018, hearing on the City's Plea to the Jurisdiction and Plaintiffs' Application for Temporary Injunction, the "wisdom of the City's decision" to rename Manchaca Road is not at issue here. The sole questions before the Court are: (1) does the Court have jurisdiction to entertain Plaintiffs' challenge to the ordinance renaming the road; and (2) if so, are Plaintiffs entitled to a temporary injunction enjoining the enforcement of that ordinance?

When considering a plea to the jurisdiction, the Court must "first look to the pleadings to determine if jurisdiction is proper, construing them liberally in favor of the plaintiffs and looking to the pleader's intent." *Tex. Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226 (Tex. 2004). Applying this standard, the Court finds that Plaintiffs' claim—that the City failed to abide by the notice requirements—falls within the limited waiver of governmental immunity found in the Uniform Declaratory Judgment Act for a "proceeding that involves the validity of a municipal ordinance." Tex. Civ. Prac. & Rem. Code § 37.006(b). The Court additionally finds that by alleging that Defendant Lauren Seyda failed to carry out the mandated notice, Plaintiffs state a viable *ultra vires* action. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

Defendants also challenge each of the Plaintiffs' standing. After considering the pre- and post-hearing briefing, the arguments of counsel made at the hearing, and the evidence submitted by both sides, the Court concludes that Plaintiffs Lori Hunt, Lynn-Marie Bonds, Darrell E. Rupert, MRBP, Ltd., Sylvia Vidaurri, Grania Patterson, ALT Properties, LLC, and Alycen Lucy do not have standing to bring their claims. In particular, these Plaintiffs have failed to carry their burden of proving an injury-in-fact. The Court likewise rejects Plaintiffs' assertion of taxpayer standing. However, the Court concludes that fact questions regarding Plaintiffs Charlie Baird and Manchaca Business Association's standing preclude granting the City's Plea to the Jurisdiction as to these Plaintiffs at this time. Accordingly, the Court grants the City's Plea to the Jurisdiction as to Plaintiffs Lori Hunt, Lynn-Marie Bonds, Darrell E. Rupert, MRBP, Ltd., Sylvia Vidaurri, Grania Patterson, ALT Properties, LLC, and Alycen Lucy and denies the Plea to the Jurisdiction as to Plaintiffs Charlie Baird and Manchaca Business Association.

Additionally, the Court considered Plaintiffs Charlie Baird and Manchaca Business Association's Application for a Temporary Injunction and hereby rules that it is granted.

Now that you have my ruling, please prepare orders, circulate them for approval as to form, and submit them for signature at your earliest convenience to Lisa Richard, at [lisa.richard@traviscountytexas.gov](mailto:lisa.richard@traviscountytexas.gov). If you have any questions, please contact Ms. Richard.

Sincerely,



Dustin M. Howell  
Judge, 459th District Court

DMH/njj/lkr

xc: Ms. Velva L. Price, Travis County District Clerk