High-Power Line Easement Dispute Wins Texas Landowner $445,000

A North Texas landowner has won a $445,365 judgment against an electric power delivery company after his land lost value when an easement was taken for a high-voltage electric transmission line.

The judgment signals a win for other Texas landowners whose properties are being targeted as power line companies flood the Public Utility Commission (PUC) with applications seeking approval for similar transmission lines, the firm said in a release.

The release continues:

The recent dispute represents a fundamental debate: How much does a high-voltage power line easement, with its tall towers and unsightly appearance, reduce the value of property it crosses? A Wichita County jury agreed that an entire parcel was worth less, not just the land taken for the easement.

“This judgment sends a clear message. Texas landowners should understand that they have a constitutional right to collect fair damages when power lines lower the value of their land. Landowners only get one opportunity to recover, but the easements remain forever,” says Austin-based eminent domain attorney Luke Ellis of Johns Marrs Ellis & Hodge LLP, lead trial counsel for the property owner.

The dispute began in 2011 when Oncor Electric Delivery Co. LLC sued Edward Clack to gain 33.6 acres of easement on his Burkburnett property for a 345,000-volt power line, the highest-voltage lines built in Texas. The Oncor easement, 160 feet by 1.7 miles, bisected Clack’s property. Oncor initially

offered him less than $55,000 before raising the offer to nearly $140,000.

After a three-day trial in Wichita County Court at Law No. 1, jurors awarded Clack $393,165, the full amount he requested. On Feb. 12, Judge Gary Butler entered a judgment of $445,365, which includes interest and court costs. Oncor may appeal.

The case is *Oncor Electric Delivery Company, LLC v. Edward Clack*, No. C-330-E.

Over the past year, the PUC has received new power line applications affecting Dallas-Fort Worth, Houston, South Texas, San Antonio and the Texas Hill Country.

Johns Marrs Ellis & Hodge LLP, a trial and appellate boutique with offices in Austin and Houston, focuses on representing landowners in eminent domain proceedings, commercial litigation, probate and appeals.