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EMINENT DOMAIN - KANSAS

Kansas City Power & Light Co. v. Strong

Supreme Court of Kansas - August 28, 2015 - P.3d - 2015 WL 5081367

Condemnees appealed from court-appointed appraisers' award of $96,465 in damages in eminent domain proceeding. Following a jury trial, the District Court rendered judgment awarding condemnees $1,922,559 as compensation for the taking. Condemnor appealed.

The Supreme Court of Kansas held that:

- Condemnees' evidence was admissible and legally sufficient to support jury's post-taking value determination, and
- Court did not abuse its discretion by admitting developer's option to buy contract.

Landowners' evidence, testimony of professional developer and hypothetical buyer, and testimony of landowners' valuation expert, was admissible pursuant to eminent domain statute, and legally sufficient to support jury's post-taking remainder value determination, in proceeding to determine proper compensation for power company's partial taking of landowners' property for a power line easement.

Evidence introduced in eminent domain proceeding, to show that a developer had been interested in developing landowners' property into a single family residential subdivision, so interested that he had paid an undisclosed sum to obtain an option to purchase the property, was both material to existence of statutory factors to be considered in ascertaining amount of compensation and damages, and at least somewhat probative in that it tended to support the existence of such factors, and thus, evidence was admissible.

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