

Bond Case Briefs

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EMINENT DOMAIN - KANSAS

GFTLenexa, LLC v. City of Lenexa

Supreme Court of Kansas - December 6, 2019 - 453 P.3d 304

Sublessor of commercial premises brought inverse condemnation against city, alleging damage to its intangible property rights resulting from city's partial condemnation of the premises based on reduced rental income from sublessee.

The District Court granted summary judgment in favor of city. Sublessor appealed.

The Supreme Court held that:

- Court of Appeals properly exercises jurisdiction over appeals from district court orders finally disposing of inverse condemnation claims, and
- Sublessor was not entitled to recover from city in inverse condemnation action.

The Court of Appeals properly exercises jurisdiction over appeals from district court orders finally disposing of inverse condemnation claims, whether those appeals are brought by the plaintiff possessing a property interest or by a defendant government entity.

The Supreme Court exercises concurrent jurisdiction with the Court of Appeals over all appeals over which the Court of Appeals has jurisdiction, as well as exclusive jurisdiction over certain appeals, such as eminent domain appeals, as designated by statute.

Sublessor of commercial premises was not entitled to recover for damage to its intangible property rights resulting from city's partial condemnation of the premises based on reduced rental income from sublessee following condemnation; city paid full appraised value of condemned portion of premises as just compensation to owner and lessor in prior eminent domain proceeding, sublessor failed to intervene in prior eminent domain proceeding and made no effort to nullify that proceeding, and reduced rent paid to sublessor was result of sublease agreement with sublessee, which contemplated a reduction in rent if condemnation occurred, to which city was not a party.