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ANNEXATION - KANSAS

City of Olathe v. City of Spring Hill

Supreme Court of Kansas - July 1, 2022 - P.3d - 2022 WL 2377171

First city brought action against second city, alleging breach of agreement not to annex certain property and seeking declaratory relief, preliminary and permanent injunctive relief, and temporary restraining order (TRO).

The District Court issued TRO, entered judgment that agreement was unenforceable as a governmental action that could not bind subsequent city councils, denied request for injunctive relief, and dismissed action. First city appealed and second city cross-appealed, and the District Court entered an order staying its ruling pending appeal. Second city filed motion to stay, modify, or vacate the stay, and the Court of Appeals denied motion, issued its own stay and injunction pending appeal, and granted first city's motion to transfer case to the Supreme Court.

The Supreme Court held that agreement was governmental in nature, and thus did not bind subsequent city councils.

Agreement between first city and second city not to annex certain land was governmental, and thus did not bind subsequent elected city councils; agreement addressed development, introduction, or improvement of services, which were quintessential policy considerations, and agreement had no hallmarks of contract for provision of services and did not call for any specific services to be provided.

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