
EMINENT DOMAIN - KANSAS

Kansas Fire and Safety Equipment v. City of Topeka

Supreme Court of Kansas - June 30, 2023 - 317 Kan. 418 - 531 P.3d 504

Multiple month-to-month tenants sued city for relocation benefits under Eminent Domain Procedure Act (EDPA) after they were forced to move once city bought property where they operated their businesses.

City filed motion for summary judgment. Tenants appealed. The District Court granted summary judgment to city. Tenants appealed. The Court of Appeals reversed and remanded. Tenants petitioned for review, which was granted. The Supreme Court affirmed decision of the Court of Appeals. On remand, city again sought summary judgment. The District Court granted summary judgment to city. Tenants appealed and city cross-appealed, and the Court of Appeals reversed and remanded with directions. The Supreme Court granted petitions for review.

The Supreme Court held that:

- Eminent Domain Procedure Act (EDPA) does not provide a private right of action;
- EDPA did not provide the district court with jurisdiction over tenants' claims for relocation expenses;
- Tenants' failure to pursue administrative remedy within the Kansas Relocation Assistance for Persons Displaced by Acquisition of Real Property Act (KRA) deprived the district court of subject matter jurisdiction; and
- Statute generally authorizing the court to review final judgments and orders of a political or taxing subdivision when it exercises judicial and quasi-judicial functions did not apply.

Kansas Eminent Domain Procedure Act (EDPA) does not provide a private right of action to displaced persons to recover relocation costs following condemnation; instead, the Kansas Relocation Assistance for Persons Displaced by Acquisition of Real Property Act (KRA) provides a single, comprehensive administrative remedy to vindicate the statutory right to relocation benefits and assistance.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com