MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JAMES RANDOLPH

APPELLANT,

v.

CITY OF KANSAS CITY, MO., ET AL.

RESPONDENTS.

DOCKET NUMBER WD83921

DATE: March 23, 2021

Appeal From:

Jackson County Circuit Court
The Honorable Charles H. McKenzie, Judge

Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Gary D. Witt, Judge and Anthony Rex Gabbert, Judge

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Attorneys:

Douglas J. Patterson, Leawood, KS, for appellant.

G. Steven Diegel, Kansas City, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JAMES RANDOLPH, APPELLANT,
v.
CITY OF KANSAS CITY, MO., ET AL., RESPONDENTS.

WD83921 Jackson County

Before Division Three Judges: Karen King Mitchell, Presiding Judge, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

James Randolph ("Randolph") appeals the judgment of the Circuit Court of Jackson County, Missouri ("trial court"), granting City of Kansas City's ("City") motion for summary judgment against Randolph's petition asking the court to quiet title in his favor over a strip of land adjacent to and between two properties that he purchased in separate transactions. Randolph's petition alleged several other causes of action, but all depended upon the court's finding in his favor as to ownership of the property at issue. The trial court granted the City's motion for summary judgment on the basis that Randolph could not have obtained the property via adverse possession as he claimed because the City had obtained the property through condemnation in the years 1906 and 1907, and a person cannot obtain public land via adverse possession. On appeal, Randolph claims that the trial court erred in granting summary judgment to the City on the basis that the City had condemned the property because there are genuine factual issues as to whether the City complied with all of the procedural requirements set forth in the 1898 City Charter which was in effect at the time. Randolph also claims that the trial court erred in granting the City's motion for summary judgment on the basis that the City acquired the property in question through adverse possession in the early 1900s, because there are genuine factual issues as to whether the City's planned Pacific Street was ever completed as a paved street.

AFFIRMED.

Division Three holds:

Both of Randolph's issues on appeal illustrate why challenges to condemnation proceedings or claims of adverse possession when no proper condemnation has been effected must be brought within ten years of the City's action, which Randolph's was not. Any suit challenging the City's condemnation or attempted condemnation would have to have commenced by 1916 or 1917. Moreover, Randolph was not the property owner at the time of the City's condemnation or attempted condemnation, and thus he lacks standing to challenge the

condemnation. There is no record that the property owners at the time ever challenged the action, although Randolph concedes that there was a process available for them to have done so.

Opinion by: Gary D. Witt, Judge March 23, 2021

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