

GENERAL

Ordinance Fact Sheet

220289

TMP-1391

Ordinance Number

Brief Title

Settlement of exceptions in a condemnation lawsuit. Street Improvement Proj. No. 89008535, N.E. 104th Street Improvements – Phase II

Approval Deadline

Reason

Approving and authorizing settlement of exceptions in a condemnation lawsuit styled City of Kansas City, MO v. Creekside Land LLC, et al., Case No. 18CY-CV04465.

Details

Reason for Legislation

The City brought the above condemnation action to acquire certain property interests via eminent domain for the Street Improvement Project No. 89008535, “N.E. 104th Street Improvements – Phase II” in Kansas City, Clay County, Missouri.

Section 2-302 of the Code of Ordinances authorizes the City Attorney to settle claims in excess of \$50,000.00 “subject to approval by the city council upon the recommendation of the risk management committee”.

The Risk Management Committee recommends the City Attorney be given such authority to settle the above styled cases.

That the payment of the sum of \$10,000.00, in addition to the \$42,600.00 already paid into the Court, in settlement of the exceptions filed by Brownfig Development Co., LLC, Manderley Property Owners Association, Inc., and the City of Kansas City, Missouri in the lawsuit styled, *City of Kansas City, MO v. Creekside Land LLC, et al.*, Case No. 18CY-CV04465, as recommended by the City Attorney and the Risk Management Committee, is hereby approved.

That the City Attorney is hereby authorized to pay the sum of \$10,000.00 in settlement of said claims in this lawsuit from funds previously appropriated in Account No. 22-3090-898041-B-89008535.

Positions/Recommendations

| | |
|--|--|
| Sponsor | Director of Public Works |
| Programs, Departments, or Groups Affected | Public Works |
| Applicants / Proponents | Applicant City Department Public Works Other |
| Opponents | Groups or Individuals Basis of opposition |
| Staff Recommendation | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against |
| Board or Commission Recommendation | By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions) |
| Council Committee Actions | <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass |

Discussion (continued)

| |
|----------------|
| Details |
|----------------|

Policy/Program Impact

| | |
|--------------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input type="checkbox"/> Yes |
| Operational Impact Assessment | |

Finances

| | |
|---|--|
| Cost & Revenue Projections -- Including Indirect Costs | |
| Financial Impact | |
| Fund Source (s) and Appropriation Account Codes | |

Applicable Dates:

Fact Sheet Prepared by:

Homer Janssens,
Right of Way Reviewer
Department of Public Works

Reviewed by:

Nicolas Bosonetto
City Engineer
Department of Public Works

Reference Numbers