

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, <i>City of Kansas City, MO v. Creekside Land LLC, et al.</i> , 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	☒ For ☐ Against Reason Against
Board or Commission Recommendation	By ☐ For ☐ Against ☐ No action taken ☐ For, with revisions or conditions (see details column for conditions)
Council Committee Actions	☐ Do pass ☐ Do pass (as amended) ☐ Committee Sub. ☐ Without Recommendation ☐ Hold ☐ Do not pass

Discussion (continued)**Details****Policy/Program Impact**

Policy or Program Change	☐ No ☐ 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