



## Legislation Details (With Text)

**File #:** 211039      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/8/2021      **In control:** Council  
**On agenda:** 12/2/2021      **Final action:** 12/2/2021

**Title:** Appropriating \$3,069,012.30 from the Unappropriated Fund Balance of the Water Fund; estimating and appropriating \$3,069,012.30 from the Unappropriated Fund Balance of the City Legal Expense Fund; and approving and authorizing settlement of claims by Gary Lee and Penn Hill Properties LLC.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. fact sheet-penn hill, 2. fiscal note-penn hill, 3. Approp Admin - Lee and Penn Hill, 4. Authenticated Ordinance 211039

Date	Ver.	Action By	Action	Result
12/2/2021	1	Council	Passed	Pass
12/1/2021	1	Finance, Governance and Public Safety Committee	Adv and Do Pass, Consent	Pass
11/10/2021	1	Council		

### ORDINANCE NO. 211039

Appropriating \$3,069,012.30 from the Unappropriated Fund Balance of the Water Fund; estimating and appropriating \$3,069,012.30 from the Unappropriated Fund Balance of the City Legal Expense Fund; and approving and authorizing settlement of claims by Gary Lee and Penn Hill Properties LLC.

WHEREAS, on October 6, 2020, a water main burst causing property damage to Gary Lee and Penn Hill Properties LLC's properties; and

WHEREAS, the City Council passed Ordinance No. 210838, which authorized partial settlement of a claim by Gary Lee and Penn Hill Properties LLC; and

WHEREAS, it has become necessary to pay an additional \$3,069.012.30 which would cause the total expenditures on this claim to be \$3,837,097.09, the City Council's approval is necessary to pay this amount; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Estimating revenue in the sum of \$3,069,012.30 to the City Legal Expense Fund in the following account:

22-7010-131523-485740	Water General Liability Claims	\$3,069,012.30
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Section 2. Appropriating the sum of \$3,069,012.30 from the Unappropriated Fund Balance of the City Legal Expense fund in the following account:

22-7010-131523-618200      Water General Liability Claims      \$3,069,012.30

Section 3. Appropriating the sum of \$3,069,012.30 from the Unappropriated Fund Balance of the Water Fund to the following account:

22-8010-801000-618450      Settlement of Claims      \$3,069,012.30

Section 4. That the payment of the additional sum of \$3,069.012.30 in settlement of the claim of Gary Lee and Penn Hill Properties LLC, Claim Nos. T2021-0689 and T2021-0698 as recommended by the City Attorney and the Risk Management Committee, is hereby approved.

Section 2. That the City Attorney is hereby authorized to pay the additional sum of \$3,069.012.30 in settlement of this claim from funds previously appropriated in Account No. 22-7010-131523-B, Water-General Liability Claims.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

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Alisa N. Chambers  
Assistant City Attorney