



## Legislation Details (With Text)

**File #:** 220289      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/18/2022      **In control:** Council  
**On agenda:** 4/14/2022      **Final action:** 4/14/2022

**Title:** Approving and authorizing settlement of exceptions in a condemnation lawsuit styled City of Kansas City, MO v. Creekside Land LLC, et al., Case No. 19CY-CV05295.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 89008535 NE 104th St - Settlmnt Ord fact sheet 01182022.xlsx, 2. FN 89008535 hj 03212022.xlsx, 3. Authenticated Ordinance 220289

Date	Ver.	Action By	Action	Result
4/14/2022	1	Council	Passed	Pass
4/13/2022	1	Finance, Governance and Public Safety Committee		
3/31/2022	1	Council	referred	

### ORDINANCE NO. 220289

Approving and authorizing settlement of exceptions in a condemnation lawsuit styled City of Kansas City, MO v. Creekside Land LLC, et al., Case No. 19CY-CV05295.

WHEREAS, 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; and

WHEREAS, the City has already paid \$42,600.00 into the Court in the above styled case; and

WHEREAS, 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”; and

WHEREAS, the Risk Management Committee recommends the City Attorney be given such authority to settle the above styled cases; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. 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. 19CY-CV05295, 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 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.

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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 Queen  
Director of Finance

Approved as to form and legality:

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Matthew Cooper  
Assistant City Attorney