

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**

Completed by County Counselor's Office:


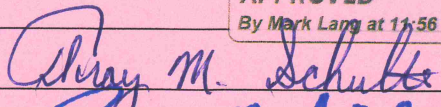
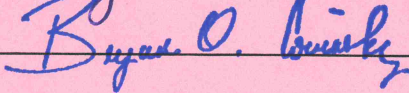
Res/Ord No.: 20488

Sponsor(s): Jalen Anderson

Date: September 14, 2020

SUBJECT	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance                  Project/Title: A resolution authorizing and directing the Manager of Finance to issue payment to the Circuit Court of Jackson County per the Report of Commissioners for certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project No. BRO-B048(55)</p>												
<p>BUDGET INFORMATION  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$12,300.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0.00</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$12,300.00</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$12,300.00</td> </tr> <tr> <td>Source of funding (name of fund) and account code number: From: 004-1507-58040 Road &amp; Bridge Fund – Special Projects – Roads &amp; Highways</td> <td>\$12,300</td> </tr> <tr> <td>To: 004-1507-56720 Road &amp; Bridge Fund – Special Projects – Settlements &amp; Judgements</td> <td>12,300</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$\$520,000</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:                  Department: Estimated Use:</p> <p>Prior Year Budget (if applicable):                  Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$12,300.00	Amount previously authorized this fiscal year:	\$0.00	Total amount authorized after this legislative action:	\$12,300.00	Amount budgeted for this item * (including transfers):	\$12,300.00	Source of funding (name of fund) and account code number: From: 004-1507-58040 Road & Bridge Fund – Special Projects – Roads & Highways	\$12,300	To: 004-1507-56720 Road & Bridge Fund – Special Projects – Settlements & Judgements	12,300
Amount authorized by this legislation this fiscal year:	\$12,300.00												
Amount previously authorized this fiscal year:	\$0.00												
Total amount authorized after this legislative action:	\$12,300.00												
Amount budgeted for this item * (including transfers):	\$12,300.00												
Source of funding (name of fund) and account code number: From: 004-1507-58040 Road & Bridge Fund – Special Projects – Roads & Highways	\$12,300												
To: 004-1507-56720 Road & Bridge Fund – Special Projects – Settlements & Judgements	12,300												
PRIOR LEGISLATION	Prior ordinances and (date): <u>R20270, dated: October 7, 2019</u> , <u>R20434, dated June 1, 2020</u> Prior resolutions and (date):												
CONTACT INFORMATION	RLA drafted by (name, title, & phone): Earl Newill, P.E, Chief Engineer, 816 401-6401 cell												
REQUEST SUMMARY	Resolution No. 20270 authorized the Office of the County Counselor to institute condemnation proceedings on certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project No. BRO-B048(55). Resolution No. 20434 corrected the ownership of the tracts of land. The Condemnation hearing and Commissioners report are complete. The Circuit Court has issued the Report of Commissioners with an award of \$12,300.00. We request that the Manager of Finance be authorized to make this payment to the Court.												
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>												
COMPLIANCE	<p><input type="checkbox"/> MBE Goals  <input type="checkbox"/> WBE Goals  <input type="checkbox"/> VBE Goals</p>												
ATTACHMENTS	Report of Commissioners												
REVIEW	Department Director: _____ Date: _____												



		9-03-2020
Finance (Budget Approval): <i>If applicable</i>	<b>APPROVED</b> <small>By Mark Lang at 11:56 am, Sep 08, 2020</small>	Date:
Division Manager:		Date: 9-10-2020
County Counselor's Office:		Date: 9-10-2020

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

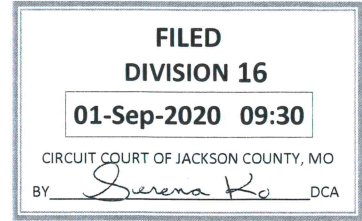
Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.





**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**



JACKSON COUNTY, MISSOURI, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LAKES DEVELOPMENT COMPANY, *et al.*, )  
 )  
 Defendants. )

Case No. 2016-CV12984  
Division 16

**REPORT OF COMMISSIONERS**

On August 11, 2020, F. Coulter deVries, Jack Cardwell, and Hon. Jack Grate who were heretofore appointed Commissioners in the above-entitled cause, come and report that they accepted the appointment; met together; filed their qualifying oath; that they viewed the properties to be condemned and held a commissioners hearing on August 28, 2020, pursuant to Jackson County Legislature Resolution No. 20434; that the lands and properties were known at the time in accordance with the description in the Petition; that they examined the respective description while viewing the corresponding property; that they have considered and weighed the reasonable fair market value of the takings and the damages and have assessed the net damages to the tracts resulting from such taking; and that they do hereby return, under oath, to the Circuit Court Clerk, their report setting forth, (1) the specific description of the interest for the taking of which the fair market value is assessed and (2) the fair market value of the takings, as follows:

**Land, properties, or interests in which ownership or other legal rights may be claimed by the following:**

Lakes Development Company

Peter Schartel

Which lands, properties, and interest sought to be acquired are described as follows:

**TRACT #1**

**TEMPORARY CONSTRUCTION EASEMENT**

All that part of the Lots 16 and 17, Block 30, TARSNEY LAKES, Jackson County, Missouri, more particularly described as follows:

Commencing at the Southeast corner of said Lot 17; thence N 2° 07' 23" E, along the East line of said Lot 17, a distance of 8.09 feet, to a point on the North Right-of-Way of Beach Drive, as now established, said point also being the True Point of Beginning; thence S 86° 37' 55" W, along said North Right-of-Way line, a distance of 20.09 feet, to a point on the East line of the land recorded in instrument No. 2015E0016187, at the Recorder of Deeds Office Jackson County, Missouri; thence N 2° 07' 23" E, along said East line, a distance of 20.05 feet; thence N 39° 21' 49" E, a distance of 41.59 feet; thence S 50° 38' 11" E, a distance of 15.72 feet, to a point on the Southeasterly line of said Lot 16; thence S 39° 15' 19" W, along said Southeasterly line, a distance of 29.30 feet, to the most Southern Corner of said Lot 16, also being the Easternmost Northeast corner of said Lot 17; thence S 2° 07' 23" W, along the East line of said Lot 17, a distance of 18.36 feet, to the Point of Beginning.

The above described tract of land contains 942 square feet, or 0.022 acres, more or less.

**TRACT #2**

**PERMANENT RIGHT OF WAY- TOTAL TAKING**

All of Lots 44, 45 and 46, Block 7, TARSNEY LAKES, a subdivision in Jackson County, Missouri.

THREE HUNDRED AND NO/100s DOLLARS (\$300.00) is assessed by the Commissioners as being the net damage for the appropriation of the above interests within Project Tracts #1, the temporary construction easement.

\$300.00 is assessed by the Commissioners as being the net damage for the appropriation of the above interests with Project Tract #2, the permanent right away – total taking.

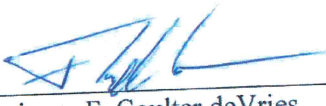
\$12,000.00


---

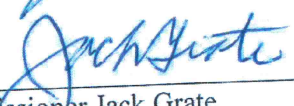
There are no facts relevant to Heritage or Homestead Value

---

**WHEREFORE**, having acted in all things in compliance with the law and with the terms of the Order Appointing Commissioners, your Commissioners pray that this, their report of their proceedings be accepted and that they be discharged.

  
\_\_\_\_\_  
Commissioner F. Coulter deVries

  
\_\_\_\_\_  
Commissioner Jack Cardwell

  
\_\_\_\_\_  
Commissioner Jack Grate

ACKNOWLEDGMENT

STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF JACKSON    )

On August \_\_\_\_, 2020, before me personally appeared F. Coulter deVries, Jack Cardwell, and Hon. Jack Grate to me known to be the Commissioners in the above-entitled cause and executed the foregoing original Report of Commissioners and, being by me first duly sworn, acknowledged that they executed the same as their free act and deed and said that all the facts stated therein are true and that the assessment as to the tract inserted therein is, to the best of their knowledge and abilities, fair and just, both to those who will receive and to those who must pay the amounts.

*Serena Ko*

\_\_\_\_\_  
Court Clerk

(SEAL)