

**REQUEST FOR LEGISLATIVE ACTION**

**Version 6/10/19**


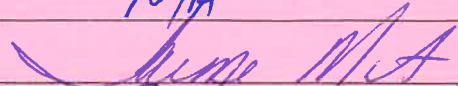

Completed by County Counselor's Office:

Res/~~Ord~~ No.: 20270

Sponsor(s): Ronald E. Finley

Date: September 30, 2019

SUBJECT	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance                  Project/Title: A resolution authorizing and directing the Office of the County Counselor to institute condemnation proceedings as to 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" data-bbox="342 558 1474 747"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td style="text-align: right;">\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" 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:	\$	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:	\$
Amount authorized by this legislation this fiscal year:	\$										
Amount previously authorized this fiscal year:											
Total amount authorized after this legislative action:	\$										
Amount budgeted for this item * (including transfers):	\$										
Source of funding (name of fund) and account code number:	\$										
PRIOR LEGISLATION	<p>Prior ordinances and (date): <u>O4867</u> dated: August 1, 2016                  Prior resolutions and (date): _____</p>										
CONTACT INFORMATION	<p>RLA drafted by (name, title, &amp; phone): Earl Newill, P.E, Chief Engineer, 816 401-6401 cell</p>										
REQUEST SUMMARY	<p>A resolution authorizing and directing the Office of the County Counselor to institute condemnation proceedings as to certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project No. BRO-B048(55). Tarsney Lake Bridge was eligible for funding in the Off System Bridge Program due to its sufficiency rating and overall condition. The bridge was programmed and ordinance 4867 accepted a grant to replace the bridge. The project has progressed to the right of way acquisition phase. There is only one property owner on the project, with takings as shown on the attached map.</p> <p>Bliss and associates, our current term and supply vendor, has been hired to appraise and negotiate the land rights. Bliss has completed the appraisal and have made an offer at the appraised values. The offer has not been accepted, and no counter offer has been received.</p> <p>Since negotiations have been somewhat lengthy, and no progress has been made, the Public Works department requests approval to proceed with condemnation or eminent domain. This process provides for the court to decide just compensation for the property owner. Negotiations will continue during the condemnation process in the hopes of reaching a settlement. Also, we request, that the Director of Finance be authorized to make any payments required by the courts for just compensation, and court costs for the necessary property.</p>										
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	<p>Map of Properties, Offer letter, 60 day letter</p>										

REVIEW	Department Director: 	Date: 9.20.19
	Finance (Budget Approval): <i>If applicable</i> N/A	Date:
	Division Manager: 	Date: 9.23.19
	County Counselor's Office: 	Date: 9/26/19

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.



**JACKSON COUNTY  
Public Works Department**

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax: (816) 881-4448

September 9, 2019

Ms. Jonne Santoli  
820 SW Ryan Road  
Grain Valley, Missouri 64029

RE: Tarsney Lakes Spillway – Parcel 2

Dear Ms. Santoli:

The Jackson County Public Works Department has approved a program for the construction and improvement of Tarsney Lakes overflow spillway. It will be necessary to acquire certain real property and rights to accomplish the proposed improvement as indicated on the engineering plans and more particularly described in the attached Warranty Deed document presented to you for consideration.

I am authorized by the Jackson County Public Works Department to offer on its behalf to all interested parties who may have an interest in the real estate to be acquired the sum of \$7,000.00 which has been estimated to be just compensation for such property and rights based upon the fair market value of the property. A summary of the amount set out above as just compensation is as follows:

<u>Permanent Right-of Way</u>	
13,949 SF @ \$0.50/SF	= \$ 7,000.00
<b>Total</b>	<b>\$ 7,000.00</b>

This estimate of just compensation has been arrived at after giving consideration to the sales prices of other properties in the area which are similar to your property, in accordance with the procedures explained in the attached brochure "Pathways for Progress".

It is requested that you, within a reasonable time, advise the Jackson County representative or the undersigned of your acceptance or rejection of this offer.

Sincerely,  
**JACKSON COUNTY PUBLIC WORKS**

Brian Gaddie, PE  
Director of Public Works

*Frank White, Jr., County Executive*



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Public Works Department**

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Fax: (816) 881-4448

September 9, 2019

Ms. Jonne Santoli  
820 SW Ryan Road  
Grain Valley, Missouri 64029

RE: Tarsney Lakes Spillway – Parcel 1

Dear Ms. Santoli:

The Jackson County Public Works Department has approved a program for the construction and improvement of the Tarsney Lakes overflow spillway. It will be necessary to acquire certain real property and rights to accomplish the proposed improvement as indicated on the engineering plans and more particularly described in the attached Temporary Construction Easement document presented to you for consideration.

I am authorized by the Jackson County Public Works Department to offer on its behalf to all interested parties who may have an interest in the real estate to be acquired the sum of \$300.00 which has been estimated to be just compensation for such property and rights based upon the fair market value of the property. A summary of the amount set out above as just compensation is as follows:

<u>Temporary Construction Easement</u>	
942 SF @ \$.03/SF	= \$ 28.00
<b>Stipulated Minimum Award</b>	<b>\$ 300.00</b>
<b>Total</b>	<b>\$ 300.00</b>

This estimate of just compensation has been arrived at after giving consideration to the sales prices of other properties in the area which are similar to your property, in accordance with the procedures explained in the attached brochure "Pathways for Progress".

It is requested that you, within a reasonable time, advise the Jackson County representative or the undersigned of your acceptance or rejection of this offer.

Sincerely,  
**JACKSON COUNTY PUBLIC WORKS**

Brian Gaddie, PE  
Director of Public Works



## JACKSON COUNTY Public Works Department

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax (816) 881-4448

September 16, 2019

Ms. Jonne Santoli  
820 SW Ryan Road  
Grain Valley, Missouri 64029

RE: Tarsney Lakes Spillway – Parcel 1

Dear Ms. Santoli:

The Jackson County Public Works Department has approved a program for the construction and improvement of the Tarsney Lakes overflow spillway. It will be necessary to acquire certain real property and rights to accomplish the proposed improvement as indicated on the engineering plans and more particularly described in the attached Temporary Construction Easement document presented to you for consideration.

This letter represents the written notice of the intended acquisition you are entitled to by Chapter 523 of the Revised Statutes of Missouri. Under Missouri Law, you are entitled to the following:

- a. Seek legal counsel at your own expense;
- b. Make a counteroffer and engage in further negotiations;
- c. Obtain your own appraisal of just compensation at your own expense (Please be advised that should we be required to file a condemnation petition, this will not be done for at least 60 days from the date of this letter. Therefore, if you wish to submit your appraisal to us for review, please keep this timeframe in mind);
- d. Have just compensation determined preliminarily by court-appointed condemnation commissioners and, ultimately, by a jury;
- e. Seek assistance from the office of the ombudsman for property rights, which is located in the office of Public Counsel, as created under Section 523.277 RSMo.
- f. Contest the right to condemn in the condemnation proceeding; and
- g. Exercise the right to request vacation of an easement under the procedures and circumstances provided for in Missouri Statute.

We are looking forward to working with you on this project. Should you have any questions please feel free to call Greg Nitschke at (816) 210-6090.

Sincerely,  
**JACKSON COUNTY PUBLIC WORKS**

A handwritten signature in blue ink, appearing to read "Brian Gaddie".

Brian Gaddie, PE  
Director of Public Works

*Frank White, Jr., County Executive*



## JACKSON COUNTY Public Works Department

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax (816) 881-4448

September 16, 2019

Ms. Jonne Santoli  
820 SW Ryan Road  
Grain Valley, Missouri 64029

RE: Tarsney Lakes Spillway – Parcel 2

Dear Ms. Santoli:

The Jackson County Public Works Department has approved a program for the construction and improvement of Tarsney Lakes overflow spillway. It will be necessary to acquire certain real property and rights to accomplish the proposed improvement as indicated on the engineering plans and more particularly described in the attached Warranty Deed document presented to you for consideration.

This letter represents the written notice of the intended acquisition you are entitled to by Chapter 523 of the Revised Statutes of Missouri. Under Missouri Law, you are entitled to the following:

- a. Seek legal counsel at your own expense;
- b. Make a counteroffer and engage in further negotiations;
- c. Obtain your own appraisal of just compensation at your own expense (Please be advised that should we be required to file a condemnation petition, this will not be done for at least 60 days from the date of this letter. Therefore, if you wish to submit your appraisal to us for review, please keep this timeframe in mind);
- d. Have just compensation determined preliminarily by court-appointed condemnation commissioners and, ultimately, by a jury;
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Sincerely,  
**JACKSON COUNTY PUBLIC WORKS**

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Brian Gaddie, PE  
Director of Public Works

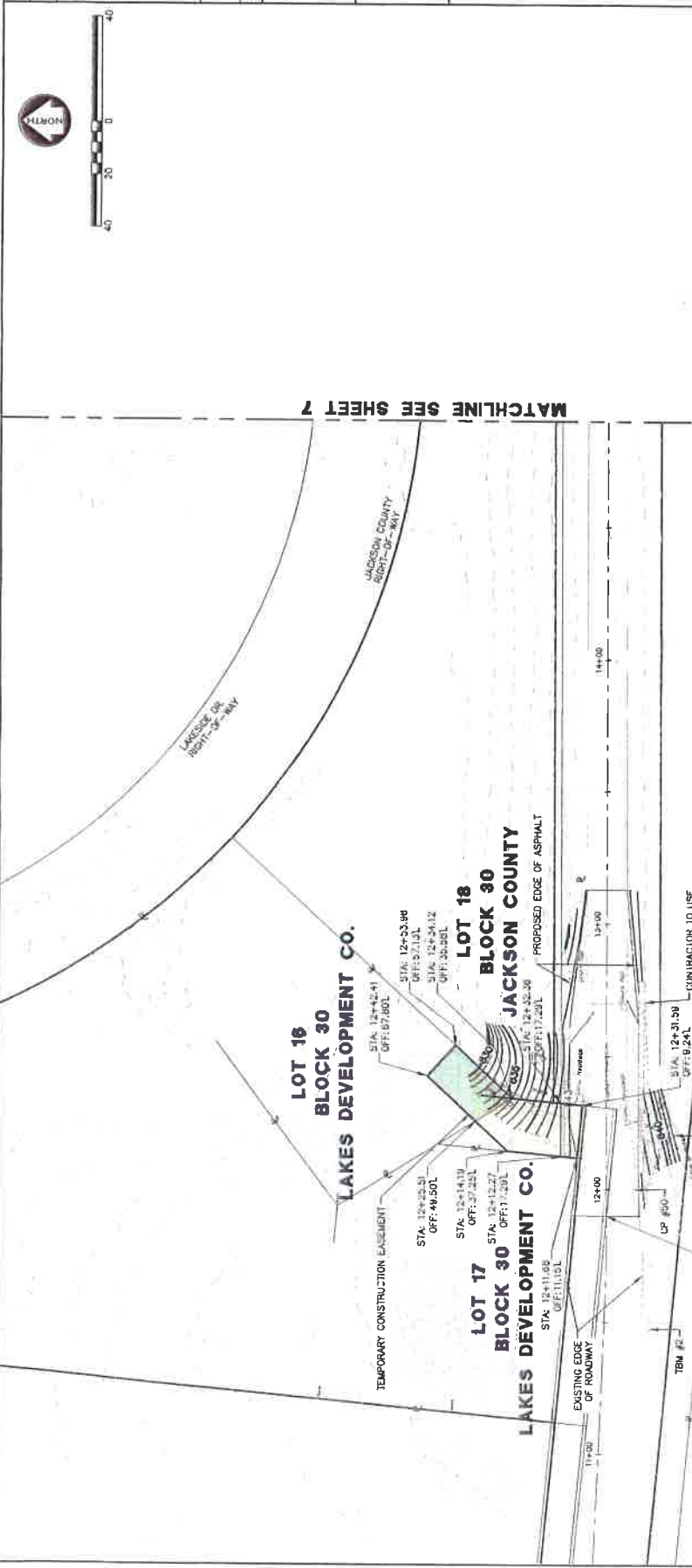
REV	DATE	REVISIONS
1		
2		
3		
4		
5		

Issue Date: 2/20/18  
 Checked By: MMS  
 Drawn By: TDB  
 Designed By: MRC

**SKW**  
 SURVEYING | ENGINEERING | CONSTRUCTION  
 11250 Corporate Avenue  
 Lenexa, KS 66219-1392  
 913.888.7800 FAX: 913.888.7858

**SHAFFER, KLINE & WARREN**  
 11250 Corporate Avenue  
 Lenexa, KS 66219-1392  
 913.888.7800 FAX: 913.888.7858  
 PARTIAL RIGHT OF WAY & EASEMENT PLAN

PROJECT NO. 160055-010  
 SHEET NO. 6 OF 13



PARCEL BLOCK	LOT	PERMANENT EASEMENT	TEMPORARY EASEMENT	PRESENT ACREAGE	ACRES REMAINING
30	16		0.010 ACRES	0.194 ACRES	0.184 ACRES
30	PART OF 17	0.003 ACRES	0.012 ACRES	0.019 ACRES	0.016 ACRES
7	44	0.113 ACRES		0.113 ACRES	0 ACRES
7	45	0.115 ACRES		0.115 ACRES	0 ACRES
7	46	0.134 ACRES		0.134 ACRES	0 ACRES

NOTE: JACKSON COUNTY IS THE PROPERTY OWNER OF LCT 18 AND LOT 7 (TARSENY LAKE) BLOCK 26 JACKSON COUNTY

MATCHLINE SEE SHEET 7

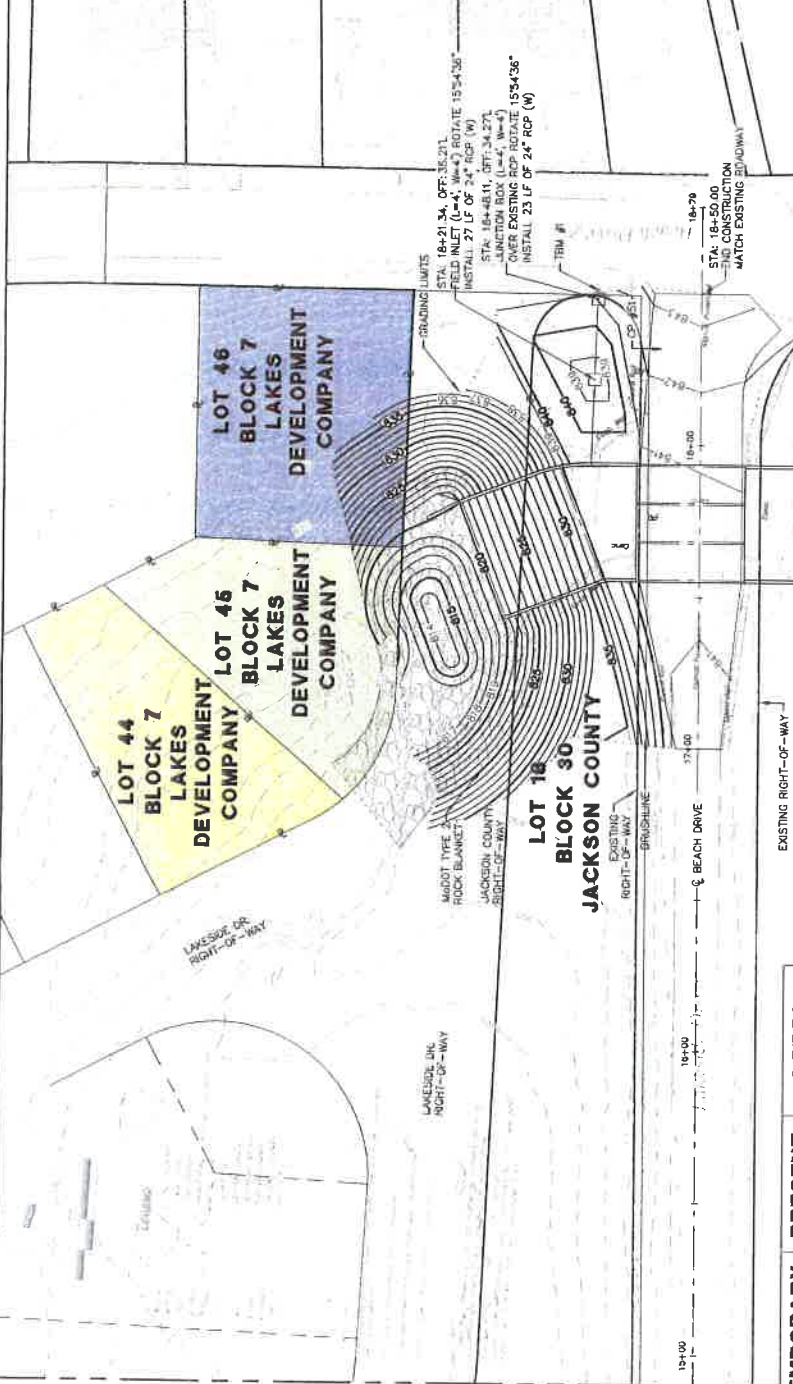
DATE PLOTTED	10/27/2018
BY	MS
PROJECT NAME	160055-010
PROJECT NUMBER	160055-010
DATE	10/27/2018
BY	MS
PROJECT NAME	160055-010
PROJECT NUMBER	160055-010

5	Designed By:	ME
4	Drawn By:	ME
3	Checked By:	MS
2	Reviewed By:	MS
1	Issue Date:	2018

MISSOURI CERTIFICATE OF AUTHORITY: 000413  
 SHAFER, KLINE & WARREN INC.  
 SURVEYING | ENGINEERING | CONSTRUCTION  
 11250 Corporate Avenue  
 Lenexa, KS 66219-1392  
 913.888.7800 FAX: 913.888.7868



BRO-B048 (55) BRIDGE NO. 4219001  
 JACKSON COUNTY, MISSOURI  
 7 OF 13



PARCEL BLOCK	LOT	PERMANENT EASEMENT	TEMPORARY EASEMENT	PRESENT ACREAGE	ACRES REMAINING
30	16	---	0.010 ACRES	0.194 ACRES	0.194 ACRES
30	PART OF 17	0.003 ACRES	0.012 ACRES	0.019 ACRES	0.016 ACRES
7	44	0.113 ACRES	---	0.113 ACRES	0 ACRES
7	45	0.115 ACRES	---	0.115 ACRES	0 ACRES
7	48	0.134 ACRES	---	0.134 ACRES	0 ACRES



1. VISIT: 010, CAD/CON/10017-010, R/W-R/W/01  
 LAYOUT: R/W-02 (L) DATE: 10/22/2018  
 SHEET: 0002 (M) BY: GSK/MSH  
 SHEET: 0001 (M) DATE: 10/22/2018  
 SHEET: 0003 (M) DATE: 10/22/2018  
 SHEET: 0004 (M) DATE: 10/22/2018