

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the lawsuit styled Farmers Insurance Company v. Jackson County, MO, No. 0716-CV37254, now pending in Circuit Court of Jackson County, Missouri, for the payment of \$50,000.00.

RESOLUTION #16749, October 27, 2008

INTRODUCED BY Dan Tarwater, County Legislator

WHEREAS, there is pending in the Circuit Court of Jackson County, MO, as Case No. 0716-CV37254, the case of Farmers Insurance Company v. Jackson County, MO; and,

WHEREAS, in this case the plaintiff, Farmers Insurance Company, alleges that Jackson County is liable to it for damages caused by a fire at Farmers' insured premises, the Interstate Building, 417 E. 13th Street, Kansas City, MO; and,

WHEREAS, Farmers alleges that the fire in question was caused by the negligence of a County employee who was smoking in a storage area leased to the County; and,

WHEREAS, the County has disputed this allegation; and,

WHEREAS, after discovery and mediation, the County Counselor recommends that this lawsuit be settled by the County's payment of \$50,000.00, in exchange for a full and complete release of all claims; and,

WHEREAS, the recommended settlement is in the best interest of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Counselor be and hereby is authorized to settle the lawsuit styled Farmers Insurance Company v. Jackson County, MO, now pending as Case No. 0716-CV37254, in the Circuit Court of Jackson County, Missouri; and,

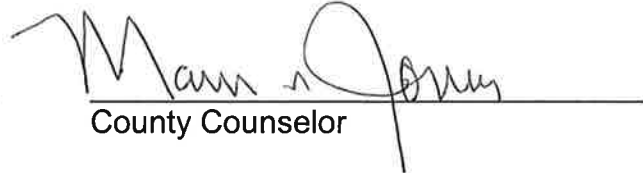
BE IT FURTHER RESOLVED by the County Counselor and any and all other County officials be and hereby are authorized to execute any and all documents necessary to give legal effect to this settlement; and,

BE IF FURTHER RESOLVED that the Director of the Department of Finance and Purchasing be and hereby is authorized to make payments totaling \$50,000.00 in settlement of this lawsuit, pursuant to the specific directions of the County Counselor.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:


Chief Deputy County Counselor


County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #16749 of October 27, 2008, was duly passed on October 27, 2008 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 0

Abstaining 0

Absent 2

10.28.08
Date


Mary Jo Spino, Clerk of Legislature

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.

ACCOUNT NUMBER: 060 5160 56310

ACCOUNT TITLE: Self Insurance Fund
Non-Departmental
Property Damage

NOT TO EXCEED: \$50,000.00

10/27/08
Date


Director of Finance and Purchasing