

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to exercise the County's option to purchase from the City of Independence, MO, the property located at 315 N. Main St. in Independence for \$1.00 and other valuable consideration, for use as the site of the Prosecuting Attorney's MyARTS Program, and accepting the conveyance of the property from the City of Independence.

RESOLUTION #17410, November 8, 2010

INTRODUCED BY Dennis Waits, County Legislator

WHEREAS, by Resolution 16765, dated November 24, 2008, the County did enter into a Cooperative Agreement for Environmental Remediation with the City of Independence, MO, whereunder the County agreed to provide the City the sum of \$175,000 to be used by the City to remediate certain environmental hazards which then existed at the City's property located at 315 N. Main in the City of Independence; and,

WHEREAS, the Agreement granted to the County the option to purchase the property from the City upon the completion of the remediation for the payment of \$1.00 and other valuable consideration; and,

WHEREAS, the City has advised the County that the environmental remediation of the property has been completed; and,

WHEREAS, the County has determined to exercise its purchase option granted under the Cooperative Agreement, and will do so upon the City's execution of an

covenant with the County Recorder of Deeds; and,

WHEREAS, the County staff has reviewed and approved the attached Special Warranty Deed by which the City has proposed to convey the property to the County; and,

WHEREAS, the exercise of the purchase option and acceptance of the conveyance are 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 Executive be and hereby is authorized to exercise the County's option to purchase from the City of Independence, MO, the property located at 315 N. Main in the City of Independence, in a form to be approved by the County Counselor; and,

BE IT FURTHER RESOLVED that the conveyance of this property by the City to the County via the attached Special Warranty Deed by and hereby is accepted, subject to the delivery by the City of confirmation from the Missouri Department of Natural Resources that the environmental remediation of the property is complete and satisfactory to the department; and,

BE IT FURTHER RESOLVED that all County officials be and hereby are authorized to take any actions and execute any and all other documents as are, in the judgment at the County Counselor, necessary to give effect to the intent of this Resolution.

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



Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17410 of November 8, 2010, was duly passed on November 15, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 2

Abstaining 0

Absent 0

11.15.10
Date



Mary Jo Spino, Clerk of Legislature

SPECIAL WARRANTY DEED

Res. 17410

This indenture, made on the 4th day of November 2010, by and between the CITY OF INDEPENDENCE, MISSOURI, 111 E. Maple Independence, MO 64050, hereinafter referred to as the GRANTOR, and JACKSON COUNTY, MISSOURI, 415 E. 12th Street, Kansas City, MO 64106, hereinafter referred to as the GRANTEE.

WITNESSETH: THAT THE SAID GRANTOR, in consideration of the sum of---ONE AND NO/100 DOLLARS--- and other good and valuable consideration, to it paid by said GRANTEE (*the receipt of which is hereby acknowledged*), does by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said GRANTEE, its successors, heirs and assigns, the following described lots, tracts or parcels of land lying being and situated in the County of Jackson and State of Missouri, to wit:

All of Lots 8, 9 & 10, INDEPENDENCE ANNEX, a subdivision in Independence, Jackson County, Missouri, also known as Lots 8, 9 and 10, ANNEXED PART OF THE TOWN (NOW CITY) OF Independence, according to the recorded plat thereof, except that part in public right of way.

SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED NOV. 11th, 2010, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF JACKSON COUNTY, MISSOURI, ON NOV 4th, 2010, AS DOCUMENT 3010E, Book 110807, PAGE .

TO HAVE AND TO HOLD The premises aforesaid all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said GRANTEE and unto GRANTEE's successors, heirs and assigns forever; the said GRANTOR, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by GRANTOR except as set forth above; that GRANTOR will warrant and defend the title to the said premises unto the said GRANTEE and unto its successors, heirs and assigns forever, against the lawful claims and demands of all persons claiming through the GRANTOR.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year written.

By: *Robert E. Heacock*
Robert E. Heacock
City Manager

ACKNOWLEDGMENT

STATE OF MISSOURI }
 }ss
COUNTY OF JACKSON }

On this 4th day of November, 2010, before me, a Notary Public, in and for said County and State, personally appeared Robert E. Heacock, City Manager, for the City of Independence, Missouri, a City existing under and by virtue of the laws of the State of Missouri, who is personally known to me to be the same person who executed, as such official, the within instrument on behalf of and with the authority of said City, and such person duly acknowledged the execution of the same to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid, the day and year first above written.

My commission expires:

4-25-12

Cheryl J. Montenguisse
Notary Public
Print Name: Cheryl J. Montenguisse

