

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION partially rescinding Resolution 17974, dated September 10, 2012, and authorizing payment to certain property owners, in the aggregate amount of \$46,731.00, for the acquisition of right-of-way and temporary construction easements, and compensation for related damages in connection with the Lee's Summit Road Improvements Project, No. 3122.

RESOLUTION NO. 18006, October 29, 2012

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, by Resolution 16911, dated May 18, 2009, the Legislature did authorize the Director of Public Works to execute a Memorandum of Understanding with the cities of Kansas City, Missouri and Lee's Summit, Missouri, in connection to improvements to Lee's Summit Road between 40 Highway and Anderson Road; and,

WHEREAS, the Public Works Department is in the process of completing the acquisition of properties for this project; and,

WHEREAS, by Resolution 17824, dated February 27, 2012, and by Resolution 17898, dated May 21, 2012, the Legislature did authorize payments to property owners for nine tracts, in a total amount of \$168,285.55; and,

WHEREAS, by Resolution 17974, dated September 10, 2012, the Legislature did authorize payment to property owners for nine additional tracts, in a total amount of \$291,821.47; and,

WHEREAS, the account number designated in the fiscal information related to the \$120,285.00 portion of the payment indicated for Resolution 17974 was in error and must be corrected; and,

WHEREAS, the Director of Public Works has made offers to and negotiated for the two final acquisitions for this project, listed below:

<u>OWNER(S)</u>	<u>TRACT(S)</u>	<u>PRICE</u>
Harold W. Mitts, Sr. and James P. Lee (As to an undivided one-half interest as Tenants in Common without the right of survivorship)	LS-03	\$9,964.50 \$9,964.50
Darrell Coffman (leaseholder – crop damage)	LS-03	\$ 473.00
Robert D. Reed and Mary F. Reed	LS-41	\$26,329.00

and,

WHEREAS, the Director of Public Works recommends payment to these property owners in an aggregate amount of \$46,731.00 for the necessary right-of-ways, temporary construction easements, and related damages in furtherance of the Lee's Summit Road Improvement Project; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the Director of Finance and Purchasing be and hereby is directed to issue checks to the property owners listed above, in the amounts indicated, for a total amount of

\$46,731.00, in consideration for easements, right-of-way conveyances, and compensation for damages to property, pursuant to the specific direction of the County Counselor; and,

BE IT FURTHER RESOLVED by the County Legislature of Jackson County, Missouri, that the portion of Resolution 17974, dated September 10, 2012, as it relates to the designated budget account in the amount of \$120,285.00 be and hereby is rescinded and corrected by the fiscal information indicated in this Resolution.

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

APPROVED AS TO FORM:

[Signature]
Chief Deputy County Counselor

[Signature]
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 18006 of October 29, 2012, was duly passed on October 29, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

10/29/12
Date

[Signature]
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: 015 1540 58070
ACCOUNT TITLE: Public Bldg Corp C/P
City of Kansas City CURS
City Projects
NOT TO EXCEED: \$167,016.00

October 25, 2012
Date

[Signature]
Director of Finance and Purchasing

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 18006

Sponsor(s): Bob Spence

Date: October 29, 2012

SUBJECT	Action Requested <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance Project/Title: <u>Approval of payments to property owners on Lee's Summit Road [40 Hwy to Anderson Drive] Project #3122, for acquisition of right of ways, in the amount of \$ 46,731.00</u>											
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$46,731.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$460,107.02</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$506,838.02</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$550,000.00</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td style="text-align: right;">015-1540-58070 \$46,731.00</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is:</p> OTHER FINANCIAL INFORMATION: <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: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:	\$46,731.00	Amount previously authorized this fiscal year:	\$460,107.02	Total amount authorized after this legislative action:	\$506,838.02	Amount budgeted for this item * (including transfers):	\$550,000.00	Source of funding (name of fund) and account code number; FROM / TO	015-1540-58070 \$46,731.00
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Source of funding (name of fund) and account code number; FROM / TO	015-1540-58070 \$46,731.00											
PRIOR LEGISLATION	Prior ordinances and (date): 17898, 5/21/2012 Prior resolutions: R17960, 10-10-11 / R17824, 2-27-2012 / R17989, 6-4-12 / R17974, 9-10-12											
CONTACT	RLA drafted by (name, title, & phone): Fred Hawley, Realty Specialist 881-4491											
REQUEST SUMMARY	<p>The County entered into a memo of understanding with Kansas City, and Lees Summit to improve sections of Lees summit Road. The County is responsible for the section from 40 Highway to south of Anderson Drive. Previous Resolutions approved payments to 12 property owners in a total amount of \$460,107.02 for right of way acquisition. The Public Works Department has since, made offers to and negotiated for the last 2 tracts. The offers were made based on appraised values, payment estimates and negotiations with each property owner. With the approval of these acquisitions, all rights of way will be acquired for the project. The Public Works Department recommends approval, and requests a resolution authorizing payment to the following property owners as negotiated for right of way, easements and damages as a part of the Project.</p> <p style="text-align: center;">Tract LS-03 - Payable to : <u>[HAROLD W. MITTS, SR.]</u> and <u>[JAMES P. LEE]</u> \$ 9,964.50 net each - as to an undivided one-half interest as Tenants in Common 8,000 Sq Ft Crop Damage (Payable to: <u>DARRELL COFFMAN</u> [Lease Holder]) = \$ 473.00 <u>Tract LS-03 - TOTAL PAYMENTS FOR RIGHT OF WAY, EASEMENTS, AND DAMAGES = \$ 20,402.00</u></p> <p style="text-align: center;">Tract LS-41 - Payable to : <u>ROBERT D. REED and MARY F. REED</u>, husband and wife— <u>Tract LS-41 - TOTAL PAYMENTS FOR RIGHT OF WAY, EASEMENTS, AND DAMAGES = \$ 26,329.00</u></p> <p style="text-align: center;">TOTAL AUTHORIZATION FOR THIS RESOLUTION = \$ 46,731.00</p>											
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)											
ATTACHMENTS	Accepted Offers of Compensation, Tract Drawings											
REVIEW	<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Department Director: Earl Newill, Deputy Director <i>Earl Newill</i></td> <td style="width: 30%;">Date: 10/12/2012</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>[Signature]</i></td> <td>Date: 10/22/12</td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director: Earl Newill, Deputy Director <i>Earl Newill</i>	Date: 10/12/2012	Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>[Signature]</i>	Date: 10/22/12	County Counselor's Office:	Date:		
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Finance (Budget Approval): <i>If applicable</i>	Date:											
Division Manager: <i>[Signature]</i>	Date: 10/22/12											
County Counselor's Office:	Date:											

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 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

ADMINISTRATIVE OFFICES
 303 W. Walnut
 Independence, MO 64050
 (816) 881-4530
 (816) 881-4448 Fax

ENVIRONMENTAL HEALTH
 308 W. Kansas
 Independence, MO 64050
 (816) 881-4530
 (816) 881-1650 Fax

ROAD MAINTENANCE DIVISION
 34900 E. Old U.S. 40 Hwy
 P.O. Box 160
 Grain Valley, MO 64029
 (816) 847-7050
 (816) 847-7051 Fax

Revised Offer of Compensation

9/6/2012

Federal Project No. STP-3301 (454)
 Jackson County Project No. 3122
 Project Tract No. LS-03
 Jackson County Parcel No. 44-100-01-06-00-0-00-000

Mr. Harold W. Mitts, Sr. and James P. Lee
 308 W. 115th Terrace
 Kansas City, MO 64114

Dear Mr. Mitts and Mr. Lee:

In this revised Offer of Compensation (which supersedes any previous offer), we comply with your request for twenty-four foot wide drive approaches at the two locations previously designated on the Build Plan.

Based on fair market value of such real property as determined by an appraisal, and a review appraisal, compensation for any interest you or any other parties have in this real estate is as follows:

50,507.42 Sq Ft Right of Way @ \$.30 per Sq Ft	=	\$ 15,152.23
415.00 Sq Ft Permanent Drainage Easement @ \$.30 per SF x 50%	=	\$ 62.25
13,775.79 Sq Ft Temporary Construction Easement @ \$.30 per SF x 10% x 2.5 yrs	=	\$ 1,033.18
825 Linear Feet – 4 wire, barbed wire @ \$3.25 + 1 gate	=	\$ 3,681.00
ROUNDED TOTAL	=	\$ 19,929.00
Payable to: [HAROLD W. MITTS, SR.] and [JAMES P. LEE]		\$ 9,964.50 net each
– as to an undivided one-half interest as Tenants in Common without the right of survivorship		
8,000 Sq Ft Crop Damage (Payable to: Darrell Coffman [Lease Holder])		= \$ 473.00
GRAND TOTAL PAYMENTS FOR RIGHT OF WAY, EASEMENTS, AND DAMAGES		= \$ 20,402.00

Note: 1> The appraiser incorrectly assumed a five year Temporary Construction Easement.
 2> For tax liability, please consult a tax professional. A form 1099 will be issued by Jackson County.
 3> CONSTRUCTION FEATURES PROMISED: twenty-four foot wide drive approaches paved to the right of way line, at the two locations designated on the Build Plan excerpts attached.

Respectfully yours,

D. Fred Hawley, RW-NAC
 Realty Specialist

9/6/2012

DATE

All forms of offer of compensation are subject to approvals of the Jackson County Legislature, and the Director of Public Works. Your signed acceptance, below, will initiate the approval and payment process, and constitutes an agreement that you and your spouses will execute the necessary conveyance documents. Those documents are here submitted. This offer will expire 30 days from the above date unless accepted.

Acceptance [Please check one] Rejection

HAROLD W. MITTS, SR.

9-28-12
 DATE




JAMES P. LEE

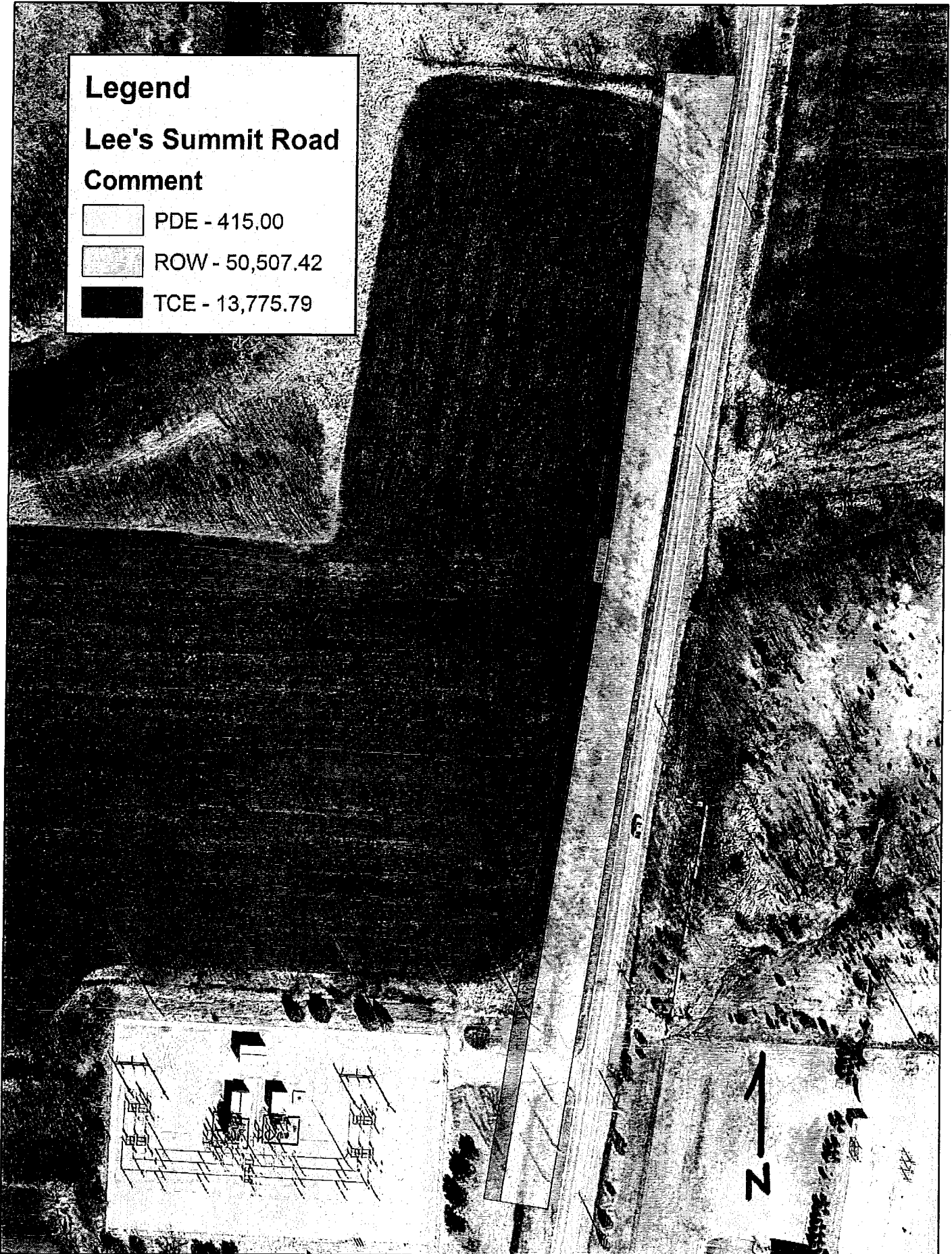
10-08-2012
 DATE

Legend

Lee's Summit Road

Comment

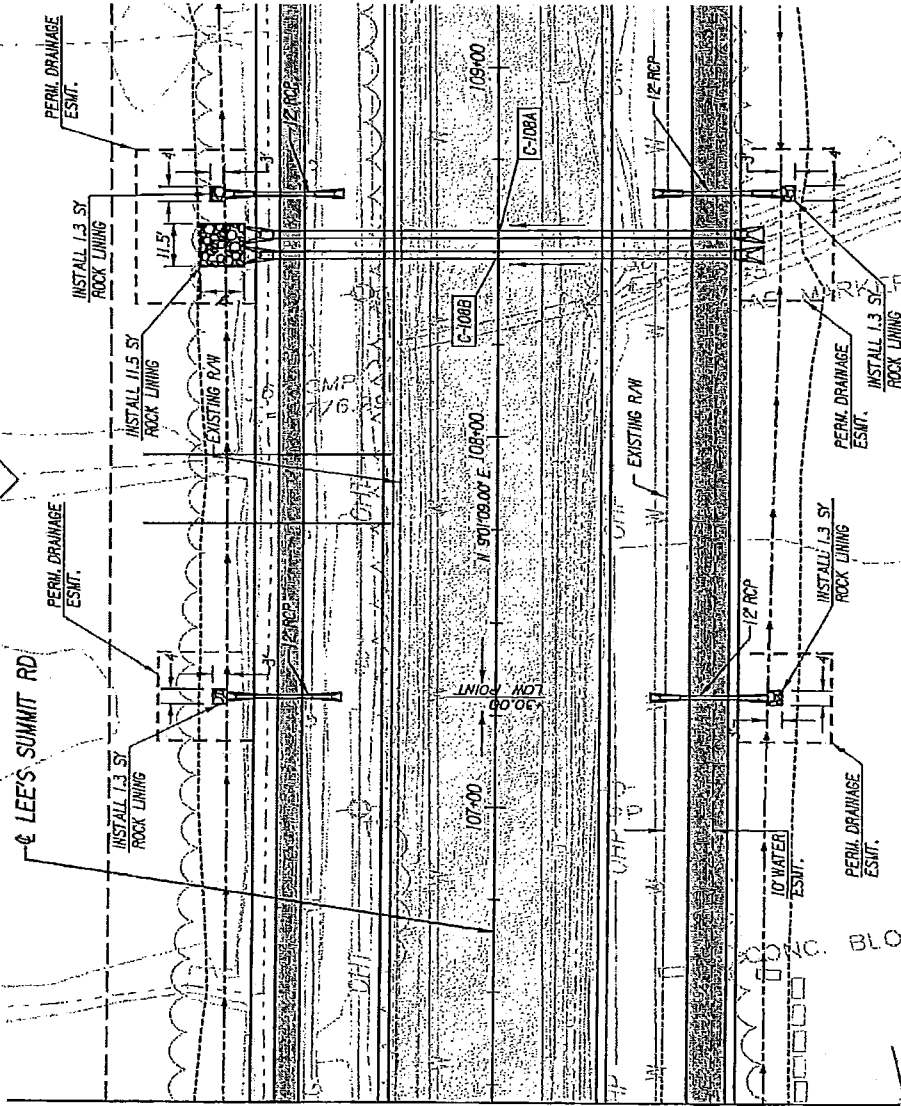
	PDE - 415.00
	ROW - 50,507.42
	TCE - 13,775.79



COPY

MAY BE A FEW FEET TO THE SOUTH

HAROLD W. MITTS, SR. AND JAMES P. LEE



MATCHLINE STA. 106+20

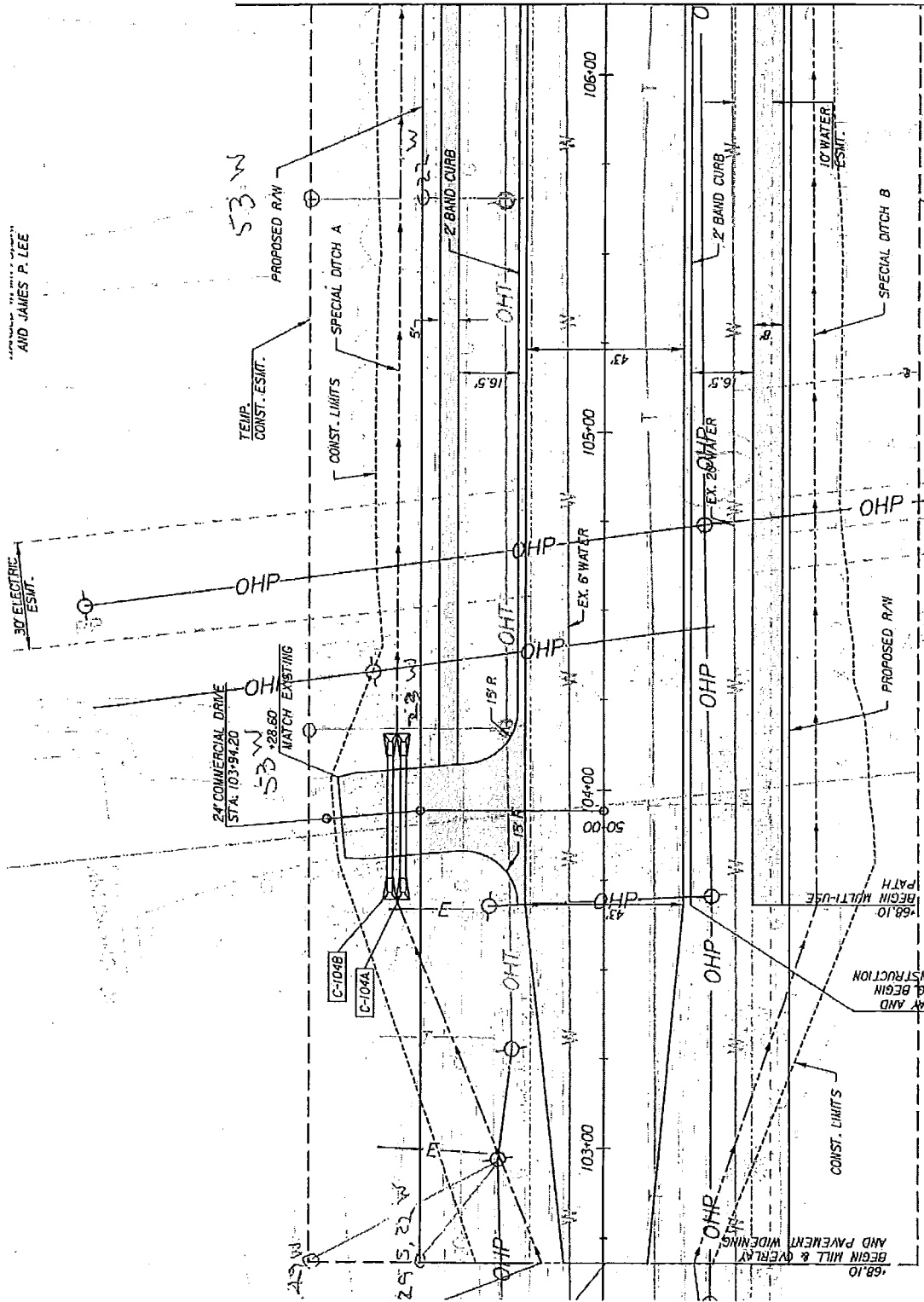
PROPOSED RELOCATION OF FIELD ENTRANCE [24' WIDE] @ 107+75 TO 107+99

APPROVED

COPY

MATCHLINE STA. 106+20

AND JAMES P. LEE



KCPL ENTRANCE [AS DESIGNED]



JACKSON COUNTY PUBLIC WORKS DEPARTMENT

ADMINISTRATIVE OFFICES
303 W. Walnut
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(816) 847-7051 Fax

Revised Offer of Compensation

09/13/2012

Federal Project No. STP-3301 (454)
Jackson County Project No. 3122
Project Tract No. LS-41

Jackson County Parcel No. 33-640-05-44-00-0-00-000

ROBERT D. and MARY F. REED
4920 LEE'S SUMMIT ROAD
KANSAS CITY, MO 64136

Mr. and Mrs. Reed:

This REVISED Offer supersedes all previous offers and is based on fair market value of the above described real property as determined by a payment estimate, and is compensation for interest you or any other parties have in this real estate as follows:

8,344.0 SF ROW @ \$0.85	=	\$ 7,092.40
19,359.7 SF TCE @ \$0.85 x 10%	=	\$ 1,645.57
Subtotal (rounded)		\$ 8,738.00
ADMINISTRATIVE SETTLEMENT	=	\$ 10,846.00
FENCE - Temporary and Permanent [per written quotation]	=	\$ 6,745.00
TOTAL		\$ 26,329.00

Compensation for loss of existing fencing allows you to contract for temporary and new fence work. We will remove existing fence as part of the project, unless you do so first. Please have your temporary fence installed prior to construction of the roadway. You may check for start date information by calling 830-3002 any time, but construction will likely start after June 15, 2013. We will lower the driveway grade to 12%, and pave with concrete to your existing pad. The driveway will flare from 10 feet wide to 16 feet wide at the curb. Furthermore, the contractor will not be allowed to park equipment (while not in use) on your property, and will be instructed to use extra care not to damage septic laterals. All septic system damages caused by the contractor will be repaired by the contractor. All soil disturbance areas will be covered with six (6) inches of fertile top soil, seeded and mulched. Trees marked on the attached plan sheet with a red "X" will be removed by the contractor.

Respectfully yours,

D. Fred Hawley, R/W-NAC
Realty Specialist

9/13/2012

Date

12' WIDE RDR
DJK MFR

The offer of all forms of compensation is subject to approvals of the Jackson County Legislature, and the Director of Public Works. Your signed acceptance, below, will initiate the approval and payment process, and constitutes an agreement to execute the necessary conveyance documents. This offer will expire 30 days from the above date unless accepted.

Acceptance

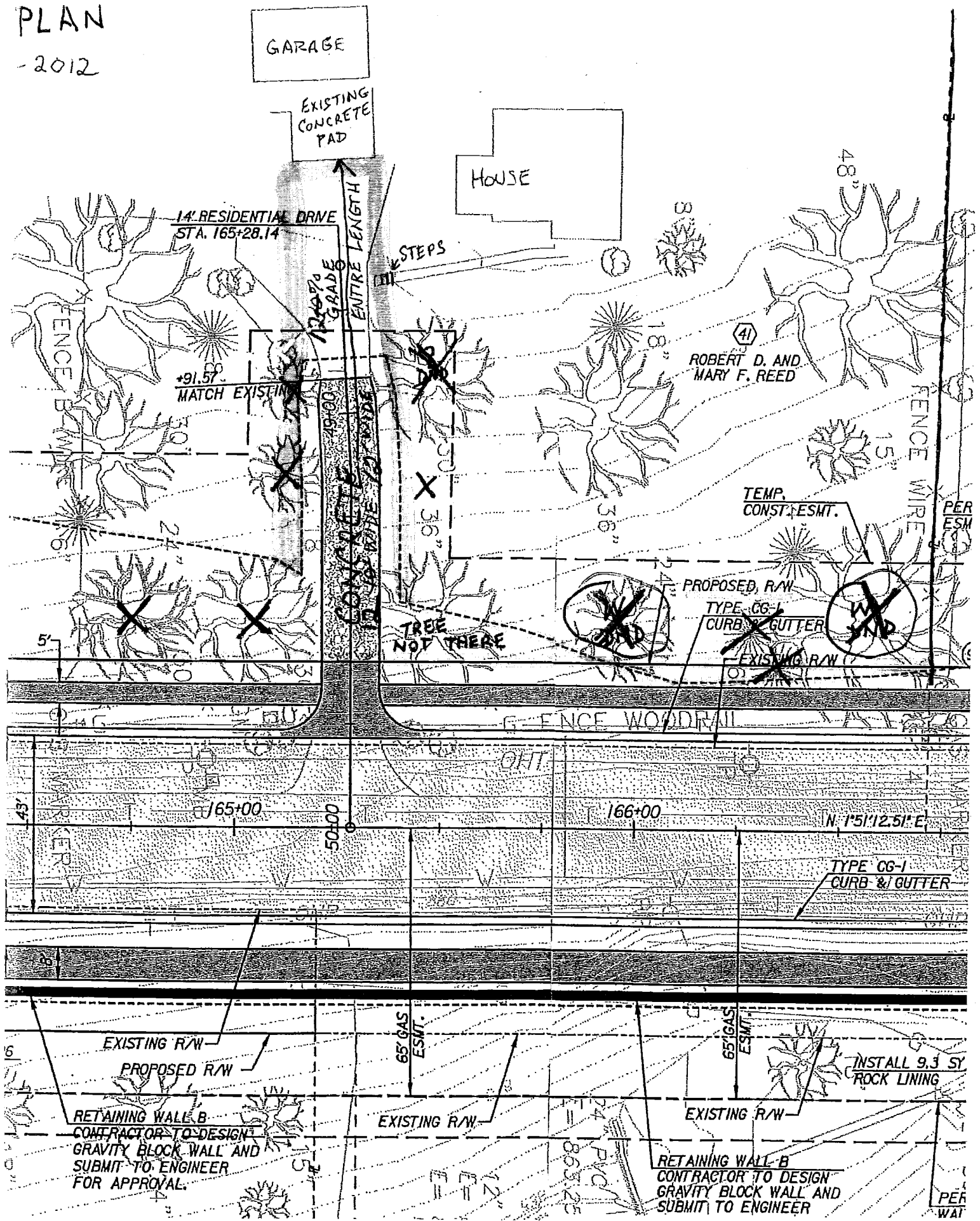
Rejection

Robert D. Reed 10-1-12
ROBERT D. REED Date

Mary F. Reed 10-01-12
MARY F. REED Date

PLAN

-2012





Hulver Fencing

LS-41

5013 Hulver Road
 Concordia, MO 64020
 660-463-7030 (fax) 660-463-4011

Ike-660-909-1282
 Troy-816-405-2116

Invoice

Bid

Customer

Name Robert & Mary Reed
 Address 4920 Lee Summit Rd
 City K.C. State MO ZIP 64136
 Phone 816-478-6838

Date 8/29/2011

Qty	Description	Unit Price	TOTAL
203	Temporary Fence	\$5.00	\$1,015.00
45	Woven wire fence mileage	\$3.00	\$135.00
420	Permanent Fence	\$13.00	\$5,460.00
45	3 rail cedar fence mileage	\$3.00	\$135.00

SubTotal	\$6,745.00
Prepaid credit	\$0.00
TOTAL	\$6,745.00

Payment Details

- Cash
- Check
- Credit Card #VALUE!

Name _____
 CC # _____
 Expires _____

Office Use Only

Please make checks payable to Hulver Fencing.

Thank You, Ike and Troy

Thanks for letting us bid on the job. We can do it at your convenience.

**JACKSON COUNTY PUBLIC WORKS
PROPERTY NEGOTIATIONS
ADMINISTRATIVE SETTLEMENT
SUMMARY**

Federal Project No. STP-3301 (454)
Jackson County Project No. 3122
Project Tract No. LS-41
Jackson County Parcel No. 33-640-05-44-00-0-00-000

ROBERT D. and MARY F. REED
4920 LEE'S SUMMIT ROAD
KANSAS CITY, MO 64136

There is a loss of 10 trees within the temporary construction easement. This part of the settlement pays for the replacement of two large maples, six smaller trees and moves two smaller dogwood trees.

Large Sugar Maple	2 X \$2,500 each = \$5,000
Medium Trees 4 inch trunk	6 X \$600 each = \$3600
Move dogwood trees	2 X \$300 each = <u>\$600</u>
Subtotal Trees	\$9,200

Payment to owners for an additional year of Temporary Construction Easement

From the offer letter the TCE for 1 year is \$1,646

Trees	\$9,200
TCE	<u>\$1,646</u>
Total Adm Settlement	\$10,746