

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claims of Andrew Westphal in the case styled Andrew Westphal v. Jackson County, MO, Case 0716CV-25056, now pending in the Circuit Court of Jackson County, Missouri, for a total payment by the County of \$5,893.59.

RESOLUTION #17264, April 26, 2010

INTRODUCED BY Scott Burnett, County Legislature

WHEREAS, Andrew Westphal has filed a lawsuit, styled Andrew Westphal v. Jackson County, MO, Case No. 0716CV-25056, now pending in the Circuit Court of Jackson County, Missouri, seeking compensation for damages for personal injuries he allegedly incurred due to the dangerous condition of the County's property, namely a downed stop sign; and,

WHEREAS, the County's liability for the dangerous condition was determined in a prior lawsuit, 03CV227493 - Douglas A Hensley Jr., v. Justin L Strait et al; and,

WHEREAS, after a thorough investigation and negotiations, the County Counselor and special counsel recommend a settlement, whereunder the amount of \$5,893.59 would be paid by the County to Andrew Westphal; and,

WHEREAS, the proposed settlement is in the best interest of the health, safety and welfare 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 claims of Andrew Westphal in the lawsuit styled Andrew Westpahl v. Jackson County, MO, et al., Case No. 0716-CV25056, by the total payment of \$5,893.59.00, in full, final and complete release of all of the claims against the County and all of its employees, officers, agents and servants as to any damages incurred; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute any and all documents necessary to effect this settlement; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to issue a checks in an amount totaling \$5,893.59.00, in full and complete settlement of this claim, payable to Andrew Westphal and his Attorney William L. Hall, pursuant to the specific direction 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:

Acting Chief Deputy County Counselor



Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution 17264 of April 26, 2010, was duly passed on April 26, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

4.27.10
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 56380

ACCOUNT TITLE: Self Insurance Fund
Non-Departmental
Uninsured Claimants

NOT TO EXCEED: \$5,893.59

April 22, 2010
Date



Director of Finance and Purchasing

