

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claim of Ideker, Inc. for delay damages in connection with the Colbern Rd., Phase II Project, No. 2411, for the payment by the County of the sum of \$487,500.00.

RESOLUTION #16777, December 1, 2008

INTRODUCED BY Dennis Waits, County Legislator

WHEREAS, by Resolution 15252, dated November 22, 2004, the Legislature did award a contract on Bid No. PW12-2004 for the Colbern Road, Phase II Project NO. 2411, to Ideker, Inc., of St. Joseph, MO, at a cost to the County not to exceed \$5,206,411.53; and,

WHEREAS, subsequent change orders have brought the total contract authorization to its present level of \$5,879,548.35; and,

WHEREAS, in the course of its work on this project, Ideker, Inc., has claimed that it incurred significant damages due to delays on the project, mainly relating to right-of-way acquisition and utility relocation, that are attributable to the County and for which the County is liable; and,

WHEREAS, the County Counselor and Special Counsel have investigated and evaluated this claim and now recommend that it be settled for the payment of \$487,500.00 by the County to Ideker, Inc; 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 Claim of Ideker, Inc., on terms as set out in this Resolution; and,

BE IT FURTHER RESOLVED that the Director of the Department of Finance and Purchasing be and hereby is authorized to issue checks in the total amount of \$487,500.00, in settlement of this claim, pursuant to the specific direction of the County Counselor; and,

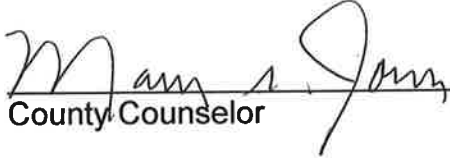
BE IF FURTHER RESOLVED that the County Counselor and all other County officials be and hereby are authorized to execute any and all documents necessary to give effect to this settlement.

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 #16777 of December 1, 2008, was duly passed on December 1, 2008 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

12-2-08

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: 015-1512-58040

ACCOUNT TITLE: Public Bldg. Corporation Fund
County Road Projects
Roads & Highways

NOT TO EXCEED: \$487,500.00

12/1/08

Date



Director of Finance and Purchasing