

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the settlement of the claims made by Deborah Groh *et al.* in case numbers 1816-CV00401, 1916-CV10539, and 1916-CV26967, now pending in the Circuit Court of Jackson County, Missouri, for a total payment by the County in the amount of \$225,000.00, of which \$75,000.00 will be reimbursed out of funds held by the County for the benefit of the Kansas City Transportation Authority.

RESOLUTION NO. 20545, October 26, 2020

INTRODUCED BY Theresa Cass Galvin, County Legislator

WHEREAS, in case numbers 1816-CV00401, 1916-CV10539, and 1916-CV26967, now pending in the Circuit Court of Jackson County, Missouri, Deborah Groh and seventeen other plaintiffs have brought claims against the County and the Rock Island Rail Corridor Authority for trespass and/or inverse condemnation and to quiet title to real estate all concerning the County's use and construction of a recreational trail on the Rock Island Rail Corridor, which the County purchased from the Union Pacific Railroad Company in 2016; and

WHEREAS, the plaintiffs in these lawsuits generally contend that, when the County purchased the corridor, the county received only an easement for railroad purposes and that the County's use of the corridor for recreational trail purposes exceeds the permissible use of the easement rights; and

WHEREAS, it is the County's contention that Union Pacific conveyed fee title to the County in the purchase transaction and that the construction of a recreational trail is within the County's rights as fee owner; and

WHEREAS, the parties to the lawsuit have conducted significant pretrial proceedings and participated in a mediation; and

WHEREAS, after these proceedings and extensive negotiations, the County Counselor and special litigation counsel recommend the settlement of all claims against the County and the Rail Corridor Authority for a payment by the County in the total amount of \$150,000.00; and

WHEREAS, some of the same plaintiffs have also filed a separate lawsuit against the Kansas City Area Transportation Authority (KCATA), case no. 2016-CV00442, also pending in the Circuit Court of Jackson County, Missouri, raising many of the same claims that have been raised against the County; and

WHEREAS, KCATA has agreed to settle the claims against it for the total payment of an additional \$75,000.00; and

WHEREAS, KCATA has requested that this payment be advanced by the County out of funds provided by the City of Lee's Summit in the amount of \$500,000.00, now being held by the County for the KCATA's benefit, pursuant to the County's Cooperative Agreement with the City of Lee's Summit regarding the Chipman Road bridge, authorized by Resolution 19801, dated March 26, 2001; and

WHEREAS, the County will be made whole regarding these funds advanced for the benefit of the KCATA upon the formal adoption of a Resolution approving a separate Cooperative Agreement with the KCATA for this purpose; and

WHEREAS, the proposed settlement will limit the County's financial obligation in this matter and is in the best interests 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 claims of Deborah Groh *et al.* in case numbers 1816-CV00401, 1916-CV10539, and 1916-CV26967, now pending in the Circuit Court of Jackson County, Missouri, for the total payment of \$225,000.00, of which \$75,000.00 will be reimbursed out of funds held by the County for the benefit of the KCATA; and

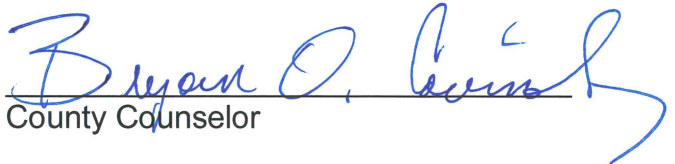
BE IT FURTHER RESOLVED that the Director of the Department of Finance and Purchasing be and hereby is authorized to issue a check or checks totaling \$225,000.00 in full and complete settlement of these matters pursuant to the specific direction of the County Counselor.

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

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 20545 of October 26, 2020, was duly passed on October 26, 2020 by the Jackson County Legislature. The votes thereon were as follows:

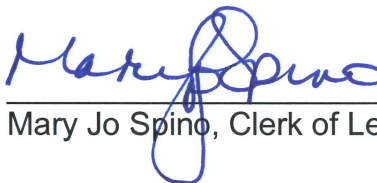
Yeas 5

Nays 0

Abstaining 0

Absent 4

10.26.2020
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: 001 8003 56830
ACCOUNT TITLE: General Fund
3% State Mandated Contingency
Contingency Fund
NOT TO EXCEED: \$225,000.00

10/26/20
Date



Interim Chief Administrative Officer