

RESOLUTION NO. 14347

SUBJECT: Authorizing the County Executive to execute a First Addendum to the Cooperative Agreement with the City of Grain Valley, Missouri, extending the term for the City's development and maintenance of recreational facilities on a portion of Monkey Mountain park from fifty (50) years to ninety-nine (99) years.

INTRODUCED: October 21, 2002

ADOPTED: October 21, 2002

(R.#13828)

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute a First Addendum to the Cooperative Agreement with the City of Grain Valley, Missouri, extending the term for the City's development and maintenance of recreational facilities on a portion of Monkey Mountain park from fifty (50) years to ninety-nine (99) years.

RESOLUTION # 14347, October 21, 2002

INTRODUCED BY Fred Arbanas, County Legislator

WHEREAS, by Resolution 13828, dated September 24, 2001, the Legislature authorized the County to execute an agreement with the City of Grain Valley for the installation of a water line along Old US 40 highway, at an estimated cost to the County of \$125,000.00; and,

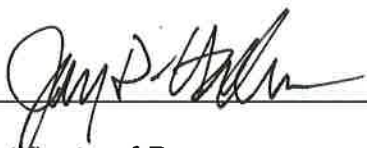
WHEREAS, additionally, the Agreement allowed the City of Grain Valley to develop and maintain recreational facilities on a portion of Monkey Mountain Park for a period of fifty (50) years; and,

WHEREAS; the parties now desire to extend the term of the park development and maintenance agreement from fifty (50) years to ninety-nine (99) years, to allow the City to qualify for state grant funding, at no cost to the County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to execute the attached First Addendum to the Agreement, with the City of Grain Valley.

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

APPROVED AS TO FORM:



Certificate of Passage



County Counselor

I hereby certify that the attached resolution, Resolution # 14347 of October 21, 2002, was duly passed on October 21, 2002 by the Jackson County Legislature. The votes thereon were as follows:

Yeas	<u>9</u>	Nays	<u>0</u>
Abstaining	<u>0</u>	Absent	<u>0</u>

10/22/02

Date

Mary Jo Spino

Mary Jo Spino, Clerk of Legislature

FIRST ADDENDUM TO AGREEMENT

THIS FIRST ADDENDUM, made and entered into on this 29th day of October, 2002, by and between **JACKSON COUNTY, MISSOURI**, hereinafter referred to as "the County," and **THE CITY OF GRAIN VALLEY, 711 Main Street, Grain Valley, Missouri 64029**, hereinafter referred to as "Grain Valley."

WITNESSETH:

WHEREAS, by Resolution 13828, dated September 24, 2001, the County and Grain Valley did enter into a Cooperative Agreement whereby Grain Valley would develop and maintain recreational facilities on a portion of the County's Monkey Mountain Park, for a period of fifty (50) years; and

WHEREAS, the parties now desire to extend the duration of the agreement from fifty (50) years to ninety-nine (99) years;

NOW THEREFORE, the parties agree as follows:

1. The original Cooperative Agreement of the parties, dated August 27, 2001, shall remain in full force and effect pursuant to its terms.
2. Paragraph 5 of the Cooperative Agreement is replaced by the following:

The promises and covenants made herein are intended by the parties to be for a term of at least ninety-nine (99) years beginning from the date of this Agreement, or through August 26, 2100. The Agreement shall be renewed annually. City shall not

use the property described in Exhibit "A" for any purpose other than described in paragraph 1.

3. This First Addendum, together with the Cooperative Agreement approved by Resolution 13828, dated September 24, 2001, incorporates the entire understanding and agreement of the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their official seals on the day and year first above written.

JACKSON COUNTY, MISSOURI

By *Katheryn J. Shields*
Katheryn J. Shields
County Executive

APPROVED AS TO FORM:

[Handwritten signature]

Jane McQueeney
County Counselor

[Handwritten initials]

CITY OF GRAIN VALLEY, MISSOURI

By *Matthew Faulk*
44 0663878
Federal Tax I.D. No.

Exhibit "A"

Part of the Northeast Quarter of Section 36, Township 49, Range 30, Jackson County, Missouri, described as follows: Beginning at a point 720 feet East of the Southwest corner of said Quarter Section; thence North parallel to the West line of said Quarter Section 1271.8 feet to the center line of U.S. Highway No. 40; thence in an Easterly and Northeasterly direction along the center line of said highway 607.25 feet to the Southwesterly right-of-way line of the Chicago and Alton Railroad; thence South 41 degrees 20 minutes East along said right-of-way 1973.74 feet to the South line of said Quarter Section; thence West 1867.85 feet to the point of beginning, except that part in U.W. Highway No. 40.

Subject, however, to an easement granted to the Missouri Public Service Company over a portion of the above-described property as more fully set forth in the instrument recorded July 1, 1996, as Document No. 889487.