



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Legislation Details (With Text)

File #: 17264 **Version:** 0 **Name:** settling the claims of Andrew Westphal
Type: Resolution **Status:** Passed
File created: 4/26/2010 **In control:** County Legislature
On agenda: 4/26/2010 **Final action:** 4/26/2010
Title: 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.
Sponsors: Scott Burnett
Indexes: CIRCUIT COURT, SETTLEMENT OF CLAIM
Code sections:
Attachments: 1. 17264adopt.pdf

Date	Ver.	Action By	Action	Result
4/26/2010	0	County Legislature	adopt	Pass

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 Westphal 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 _____

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

Date

Director of Finance and Purchasing