



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri
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Legislation Text

File #: 11983, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION rescinding Resolution 10901, dated July 10, 1995, transferring \$40,786.00 within the Special Road and Bridge Fund and authorizing the County Executive to execute a Lease Agreement with the Independence Square Redevelopment Group for office space in the Bundschu Building on the Independence Square, at a cost in 1997 of \$40,785.92 and a total cost of \$182,287.22 over the life of the lease, and any other documents necessary to effect a settlement of litigation and other ongoing disputes between Independence Square Redevelopment Group and the County.

RESOLUTION #11983, December 8, 1997

INTRODUCED BY Victor E. Callahan, County Legislator

WHEREAS, in August 1991, the County and the Independence Square Redevelopment Group (ISRG) entered into written lease agreement whereby the County leased certain space in the Bundschu Building located at 103 North Main, Independence from ISRG ("1991 Lease"); and,

WHEREAS, the initial term of the 1991 Lease commenced on November 1, 1991, and ended on October 31, 1996; and,

WHEREAS, the County was also granted certain options to renew the 1991 Lease as set forth therein; and,

WHEREAS, a dispute arose between the County and ISRG concerning a claim made by Hugh Stewart Construction Company, a construction contractor engaged by ISRG to improve portions of the Bundschu Building, that the County failed to pay for certain improvements Hugh Stewart Construction Company completed at the premises leased by the County ("Construction Claim"); and,

WHEREAS, certain disputes arose between the County and ISRG concerning the 1991 Lease and on January 14, 1997, ISRG filed a Petition for Unlawful Detainer against the County in the Associate Circuit Court of Jackson County, Missouri at Independence as Case No. CV97-0478 ("Unlawful Detainer Action"); and,

WHEREAS, the County filed a petition against ISRG and its general partners on August 25, 1997, in the Circuit Court of Jackson County, Missouri at Independence as Case No. CV97-21450 seeking relief as to the unlawful detainer action and money damages ("County's Lawsuit"); and,

WHEREAS, ISRG and the County desire to fully and finally settle and compromise the disputes between them arising out of the 1991 Lease and the matters set forth in the Unlawful Detainer action, the County's Lawsuit, and the Construction Claim; and,

WHEREAS, the settlement and compromise provides for the execution of a new Lease Agreement between the parties, which will extend through October 31, 2001, at rentals which are increased over the levels specified in the 1991 Lease; and,

WHEREAS, the execution of this new lease agreement is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

WHEREAS, a transfer within the 1997 Special Road and Bridge Fund is necessary to cover the cost of funding the Lease Agreement with the Independence Square Redevelopment Group for space in the Bundschu Building on the Independence Square; and,

WHEREAS, the County Executive has recommended said transfer; therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the following transfer be made within the 1997 Special Road and Bridge Fund:

Department/Division	Character Description	From	To
Special Road and Bridge Div. of Administration Public Works Department Engineering Bridges			\$40,786.00
	Office of the Director Rent - Buildings		\$40,786.00

and,

BE IT FURTHER RESOLVED that the County Executive be and hereby is authorized to execute the attached Lease Agreement with the Independence Square Redevelopment Group and any other documents necessary to effect a settlement of the litigation and other ongoing disputes between the parties; and,

BE IT FURTHER RESOLVED that the Director of the Department of Finance be and hereby is authorized to make all payments, including final payment, required by the Lease Agreement and other documents; and,

BE IT FURTHER RESOLVED that Resolution 10901, dated July 10, 1995, which dealt with a previous attempt to resolve the Construction Claim, be and hereby is rescinded...Attorney
Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution # 11983 of December 8, 1997, was duly passed on _____ December 8 _____, 1997 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____7_____ Nays _____0_____

Abstaining _____0_____ Absent _____2_____

Date Mary Jo Brogato, Clerk of Legislature

Funds sufficient for this transfer are available from the source indicated below.

ACCOUNT NUMBER: 004 1502 8050

ACCOUNT TITLE: Special Road and Bridge Fund
Division of Administration
Public Works Dept.
Engineering
Bridges

NOT TO EXCEED:\$40,786.00

Funds sufficient for this expenditure will be are available from the source indicated below.

ACCOUNT NUMBER: 004 1501 6620

ACCOUNT TITLE: Special Road and Bridge Fund
Division of Administration
Office of the Director
Rent - Buildings

NOT TO EXCEED:\$40,785.92

Date Director of the Department of Finance