



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 20434 **Version:** 1 **Name:** Co Counselor Condemnation proceedings
Type: Resolution **Status:** Passed
File created: 5/21/2020 **In control:** Public Works Committee
On agenda: 5/26/2020 **Final action:** 6/1/2020
Title: A RESOLUTION authorizing and directing the Office of the County Counselor to institute condemnation proceedings as to certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project, No. Bro-B048(55).
Sponsors: Jalen Anderson
Indexes: BRIDGE REPLACEMENT, CONDEMNATION PROCEEDINGS, COUNTY COUNSELOR, TARSNEY LAKES, TRACT OF LAND
Code sections:
Attachments: 1. 20434bu.pdf, 2. 20434adopt.pdf

Date	Ver.	Action By	Action	Result
6/1/2020	1	County Legislature	adopt	Pass
6/1/2020	1	County Legislature	Consent Agenda	
6/1/2020	1	Public Works Committee	recommend do pass	Pass
5/27/2020	1	County Legislature	Go To 1st Meeting	Pass
5/26/2020	0	County Legislature	assign to committee	

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing and directing the Office of the County Counselor to institute condemnation proceedings as to certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project, No. Bro-B048(55).

RESOLUTION NO. 20434, May 26, 2020

INTRODUCED BY Jalen Anderson, County Legislator

WHEREAS, the Constitutional Home Rule Charter of Jackson County, article II, sections 21, 23, and 26, authorize the County to acquire private property for public road purposes by the exercise of the power of eminent domain; and,

WHEREAS, the Tarsney Lake Bridge Federal Project, No. Bro-B048(55), is a public bridge

improvement, use, and purpose; and,

WHEREAS, the Department of Public Works has heretofore conducted negotiations for the purchase of certain tracts of land for inclusion in Tarsney Lake Bridge Replacement Federal Project, No. Bro-B048(55); and,

WHEREAS, such properties were appraised, and a value placed thereon which would fairly and reasonably compensate the owner thereof; and,

WHEREAS, after such negotiations with the owner thereof, the Department of Public Works was unable to agree with the owner as to a fair and adequate compensation to be paid; and,

WHEREAS, by Resolution 20270, dated September 30, 2019, the Legislature authorized condemnation proceedings against Jonne Santoli to certain tracts of land required for the Tarsney Lake Bridge Replacement Federal Project No. Bro-B048(55); and,

WHEREAS, upon further research it was discovered the actual owner of the tracts is Lakes Development Company, with Pete Schartel being the registered agent; and,

WHEREAS, the owner and general description of the tracts are as follows:

Parcel Nos.
1 and 2

Owner
Lakes Development Company
Pete Schartel, Registered Agent
820 SW Ryan Road
Grain Valley, MO 64029

and,

WHEREAS, pending the acquisition of this land by condemnation, the Director of Public Works or his designee may continue to negotiate for and purchase these properties out of funds appropriated or to be appropriated for that purpose; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the Legislature finds that the County has endeavored to agree with the owner of the aforesaid described properties upon proper compensation to be paid for such properties and rights sought to be purchased, but cannot so agree, and that public necessity requires the above described tracts of land be acquired by the exercise of the power of eminent domain as provided by law and the Jackson County Charter, for the public purpose and use of the County, and it is to the public interest that same be so acquired; and,

BE IT FURTHER RESOLVED that the Office of County Counselor is authorized and directed to institute appropriate condemnation proceedings as may be necessary for the acquisition of such lands by the exercise of the power of eminent domain and that the County Counselor is also authorized to withdraw from condemnation proceedings any properties as are acquired by negotiation and purchase.

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. 20434 of May 26, 2020, was duly passed on June 1, 2020 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