City of Joplin City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: July 5, 2016

ITEM: Council Bill No. 2016-009 approving and authorizing payment of the jury award in the condemnation matter of City of Joplin v. Randal & Shelly Kraft.

ORIGINATING DEPARTMENT: Legal Department.
ATTACHMENTS: Council Bill No. 2016-009; Exhibit "A" (jury verdict form)

DEPARTMENT HEAD:	Peter C. Edwards	**DATE:**
CITY MANAGER:	Sam Anselm	**DATE:**
PUBLIC WORKS:	Nick Heatherly	**DATE:**
FINANCE DIRECTOR:	Leslie Haase	**DATE:**

INTRODUCTION:

This Council Bill approves and authorizes payment of the jury award for the City's acquisition of property located generally at 20th & Wisconsin in Joplin, owned by Randal and Shelly Kraft.

DISCUSSION:

Randal and Shelly Kraft appealed the Commissioners' Award of One Hundred Twenty-Seven Thousand Dollars ($127,000.00) that was determined in 2014. The subsequent jury trial has resulted in an award to the property owners of an additional Ninety-Six Thousand, Six Hundred Eighty-Seven Dollars, Fifty Cents ($96,687.50), plus the accrued interest, which is approximately Twelve Thousand, Three Hundred Forty-Nine Dollars, Fifty-One Cents ($12,349.51). We recommend payment of these amounts into the Court to conclude the case and advise that an appeal is not warranted.

RECOMMENDATION:

Staff recommends this Council Bill be adopted on an emergency basis.

PCE:ab
attachments

COUNCIL BILL NO. 2016-009 ORDINANCE NO.

AN ORDINANCE approving and authorizing payment into the Circuit Court of Jasper County, Missouri, the amount of the jury award in the case styled City of Joplin v. Randal and Shelly Kraft, Case No. 14AO-CC00088, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8105, Project No. TG-0522, to satisfy the jury award in the case related to the acquisition of property generally located at 20th Street & Wisconsin, for the 20th Street Overpass Project, in Joplin, Jasper County, Missouri; and containing an emergency clause.

WHEREAS, the City of Joplin, Missouri, commenced a condemnation action for the acquisition of certain real property for public use necessary for the 20th Street Overpass Project which extends from Indiana east to New Hampshire Avenue on 20th Street in the City of Joplin; and,

WHEREAS, on April 29, 2014, the Report of Commissioners was filed, setting the amount of compensation for the interest to be acquired from Randal and Shelly Kraft in the total amount of One Hundred Twenty-Seven Thousand Dollars ($127,000.00) which amount was paid into the Circuit Clerk's Office on May 12, 2014; and,

WHEREAS, the property owners, Randal and Shelly Kraft, requested that a jury determine their damages; and

WHEREAS, on June 22, 2016, in a case styled City of Joplin, Missouri v. Randal and Shelly Kraft, Case No. 14AO-CC00088, filed in the Circuit Court of Jasper County, Missouri, at Joplin, the jury returned a total award in the amount of Two Hundred Twenty-Three Thousand, Six Hundred Eighty-Seven Dollars, Fifty Cents ($223,687.50) plus accrued interest, due the property owners, Randal and Shelly Kraft.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That payment of the jury award in the amount Ninety-Six Thousand, Six Hundred Eighty-Seven Dollars, Fifty Cents ($96,687.50) plus the accrued interest assessed by the Court, is hereby authorized and directed to be made to the Circuit Clerk of Jasper County, Missouri, from the Capital Improvement Sales Tax Fund, Account No. 145-4565-520-8105, Project No. TG-0522.

Section 2. That this Ordinance dealing with a public improvement is an emergency within the meaning of Section 2.12(6) of the Home Rule Charter of the City of Joplin, Missouri, and, as such, shall be in full force and effect immediately from and after its adoption and approval. Specifically, this constitutes an emergency because this Overpass Project for 20th Street is a public improvement and interest accrues on a daily basis.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of

_____, 2016, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

VERDICT A

We, the undersigned jurors, assess the damage of the defendants at

$ 223,687.50 *(stating the amount).*

Note: All jurors who agree to the above must legibly sign or print their names below.

Elizabeth A. Adams

Steven A. Campbell

Wanda J. Endicott

Carolyn Rowley

Caroline Madden