

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1944
93RD GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, April 27, 2006, with recommendation that the Senate Committee Substitute do pass.

4100S.10C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 99.120, 99.460, 100.420, 353.130, 523.040, 523.055, 523.200, and 523.205, RSMo, and to enact in lieu thereof eighteen new sections relating to eminent domain.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 99.120, 99.460, 100.420, 353.130, 523.040, 523.055, 523.200, and 523.205, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 353.130, 523.040, 523.042, 523.055, 523.200, 523.205, 523.250, 523.253, 523.256, 523.259, 523.261, 523.262, 523.265, 523.271, 523.274, 523.277, 1, and 2, to read as follows:

353.130. [1.] An urban redevelopment corporation may acquire real property or secure options in its own name or, in the name of nominees, it may acquire real property by gift, grant, lease, purchase, or otherwise.

[2. An urban redevelopment corporation shall have the right to acquire by the exercise of the power of eminent domain any real property in fee simple or other estate which is necessary to accomplish the purpose of this chapter, under such conditions and only when so empowered by the legislative authority of the cities affected by this chapter.

3. An urban redevelopment corporation may exercise the power of eminent domain in the manner provided for corporations in chapter 523, RSMo; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provision for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 manner, provided that no real property belonging to any city, county, or the state,
15 or any political subdivision thereof may be acquired without its consent.]

523.040. 1. The court, or judge thereof in vacation, on being satisfied that
2 due notice of the pendency of the petition has been given, shall appoint three
3 disinterested commissioners, who shall be residents of the county in which the
4 real estate or a part thereof is situated, to assess the damages which the owners
5 may severally sustain by reason of such appropriation, who, **within forty-five**
6 **days after appointment by the court, after considering such factors**
7 **listed in the definition of "just compensation" under subsection 1 of**
8 **section 1 of this act and** after having viewed the property, shall return to the
9 clerk of such court, under oath, their report in duplicate, of such assessment of
10 damages, setting forth the amount of damages allowed to the person or persons
11 named as owning or claiming the tract of land condemned, and should more than
12 one tract be condemned in the petition, then the damages allowed to the owner,
13 owners, claimant or claimants of each tract, respectively, shall be stated
14 separately, together with a specific description of the tracts for which such
15 damages are assessed; and the clerk shall file one copy of said report in his office
16 and record the same in the order book of the court, and he shall deliver the other
17 copy, duly certified by him, to the recorder of deeds of the county where the land
18 lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city)
19 who shall record the same in his office, and index each tract separately as
20 provided in section 59.440, RSMo, and the fee for so recording shall be taxed by
21 the clerk as costs in the proceedings; and thereupon such company shall pay to
22 the clerk the amount thus assessed for the party in whose favor such damages
23 have been assessed; and on making such payment it shall be lawful for such
24 company to hold the interest in the property so appropriated for the uses
25 prescribed in this section; and upon failure to pay the assessment, the court may,
26 upon motion and notice by the party entitled to such damages, enforce the
27 payment of the same by execution, unless the said company shall, within ten days
28 from the return of such assessment, elect to abandon the proposed appropriation
29 of any parcel of land, by an instrument in writing to that effect, to be filed with
30 the clerk of the court, and entered on the minutes of the court, and as to so much
31 as is thus abandoned, the assessment of damages shall be void.

32 2. Prior to the issuance of any report under subsection 1 of this
33 section, commissioners shall view the property, hear arguments, and
34 review other relevant information that may be offered by the parties.

35 **3. (1) For the purposes of this section, “heritage value” shall**
36 **mean a value assigned to any real property that has been owned by the**
37 **same family for one or more years;**

38 **(2) The line of ownership for the property from the original**
39 **settler or buyer may be through the children, grandchildren, siblings,**
40 **and nephews or nieces, including through marriage or adoption to meet**
41 **the standard of same family;**

42 **(3) If the ownership of the real property is by an entity, the**
43 **family must control more than fifty percent of the entity in order to**
44 **meet the standard of same family;**

45 **(4) A sliding scale shall be used to determine the heritage value**
46 **award. If the real property has been in the same family for one year,**
47 **the award for heritage value may be an additional amount not to**
48 **exceed one percent of the original award of damages paid to the**
49 **property owner. An additional percent increase shall be added for each**
50 **year above one year, with the total award for heritage value not to**
51 **exceed one hundred percent of the original award of damages paid to**
52 **the property owner for the real property owned by the same family for**
53 **one hundred years or more.**

523.042. Notwithstanding any other provision of law to the
2 **contrary, the condemning authority shall submit an offer of judgment**
3 **to the court when filing a petition of condemnation. After a final**
4 **judgment is issued and all appeals are exhausted, if the final**
5 **assessment of damages awarded to the property owner exceeds the**
6 **offer of judgment submitted with the petition of condemnation by at**
7 **least fifteen percent, the property owner shall be awarded any**
8 **reasonable attorneys' fees accrued after the filing of the petition and**
9 **any other reasonable costs, including but not limited to, appraisal**
10 **costs. If the final assessment of damages awarded to the property**
11 **owner is less than fifteen percent greater than the offer of judgment,**
12 **the payment of attorneys' fees and costs shall be paid as otherwise**
13 **provided.**

523.055. In any action to condemn lands under the power of eminent
2 **domain, where the condemnor has paid into the office of the clerk of the circuit**
3 **court the amount of damages assessed by commissioners pursuant to law, the**
4 **circuit clerk shall give the owners or those in possession written notice of such**
5 **fact within five days. If the owners or those in possession do not deliver**

6 possession of the property condemned [within ten days after the receipt of notice
7 of the payment of the award] **to the condemnor within one hundred days**
8 **of the award or within ninety days of receipt of the notice required by**
9 **subdivision (4) of subsection 5 of section 523.205**, then on the request of the
10 condemnor the court shall issue a writ of possession directing the sheriff to
11 deliver the possession of such property to the condemnor forthwith; except that
12 the court may upon the motion of said owners grant them such extension of time
13 **under exigent circumstances**, not to exceed ninety days, as the court finds to
14 be reasonable under all the circumstances. The writ of possession shall be
15 executed in the manner provided by law for the execution of writs of possession
16 in ejectment suits for the recovery of land. If a writ of possession is issued or a
17 motion filed asking for an extension by said owners, then all costs accrued in
18 executing the writ and in the hearing of the motion may be assessed against the
19 said owners.

523.200. As used in sections 523.200 to 523.215, the following words
2 mean:

3 (1) "Displaced person", any person that moves from the real property or
4 moves his personal property from the real property permanently and voluntarily
5 as a direct result of the acquisition, rehabilitation or demolition of, or the written
6 notice of intent to acquire such real property, in whole or in part, for a public
7 purpose;

8 (2) "Public agency", the state of Missouri or any political subdivision or
9 any branch, bureau or department thereof, **any public school district**, and any
10 quasi-public corporation created or existing by law which are authorized to
11 acquire real property for public purpose and which acquire any such property
12 either partly or wholly with aid or reimbursement from federal funds;

13 (3) "Urban redevelopment corporation", as defined in section 353.020,
14 RSMo.

523.205. 1. Any public agency as defined in section 523.200 which is
2 required, as a condition to the receipt of federal funds, to give relocation
3 assistance to any displaced person is hereby authorized and directed to give
4 similar relocation assistance to displaced persons when the property involved is
5 being acquired for the same public purpose through the same procedures, and is
6 being purchased solely through expenditure of state or local funds.

7 2. The governing body of any city, or agency thereof, prior to approval of
8 a plan, project or area for redevelopment under the operation of chapter 99,

9 RSMo, chapter 100, RSMo, or chapter 353, RSMo, **or any other political**
10 **subdivision or governmental entity initiating condemnation**
11 **proceedings**, which proposes or includes within its provisions or necessitates
12 displacement of persons, when such displacement is not subject to the provisions
13 of the Federal Uniform Relocation and Real Property Acquisition Policies Act of
14 1970 (42 U.S.C. sections 4601 to 4655, as amended) or subsection 1 of this
15 section, shall establish by ordinance or rule a relocation policy which shall
16 include, but not be limited to, the provisions and requirements of subsections 2
17 to 15 of this section, or in lieu thereof, such relocation policy shall contain
18 provisions and requirements which are equivalent to the requirements of the
19 Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act
20 of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

21 3. As used in this section, the following terms shall mean:

22 (1) "Business", any lawful activity that is conducted:

23 (a) Primarily for the purchase, sale or use of personal or real property or
24 for the manufacture, processing or marketing of products or commodities; or

25 (b) Primarily for the sale of services to the public;

26 (2) "Decent, safe and sanitary dwelling", a dwelling which meets
27 applicable housing and occupancy codes. The dwelling shall:

28 (a) Be structurally sound, weathertight and in good repair;

29 (b) Contain a safe electrical wiring system;

30 (c) Contain an adequate heating system;

31 (d) Be adequate in size with respect to the number of rooms needed to
32 accommodate the displaced person; and

33 (e) For a handicapped person, be free of any barriers which would
34 preclude reasonable ingress, egress or use of the dwelling;

35 (3) "Handicapped person", any person who is deaf, legally blind or
36 orthopedically disabled to the extent that acquisition of another residence
37 presents a greater burden than other persons would encounter or to the extent
38 that modifications to the replacement residence would be necessary;

39 (4) "Initiation of negotiations", the delivery of the initial written offer of
40 just compensation by the acquiring entity, to the owner of the real property, to
41 purchase such real property for the project, or the notice to the person that he
42 will be displaced by rehabilitation or demolition;

43 (5) "Person", any individual, family, partnership, corporation, or
44 association.

45 4. Every urban redevelopment corporation acquiring property within a
46 redevelopment area shall submit a relocation plan as part of the redevelopment
47 plan.

48 5. Unless the property acquisition under the operation of chapter 99,
49 RSMo, chapter 100, RSMo, or chapter 353, RSMo, is subject to federal relocation
50 standards or subsection 1 of this section, the relocation plan shall provide for the
51 following:

52 (1) Payments to all eligible displaced persons, as defined, who occupied
53 the property to be acquired for not less than ninety days prior to the initiation of
54 negotiations who are required to vacate the premises;

55 (2) A program for identifying special needs of displaced persons with
56 specific consideration given to income, age, size of family, nature of business,
57 availability of suitable replacement facilities and vacancy rates of affordable
58 facilities;

59 (3) A program for referrals of displaced persons with provisions for a
60 minimum of three decent, safe and sanitary housing referrals for residential
61 persons or suitable referral sites for displaced businesses, a minimum of ninety
62 days' notice of referral sites for handicapped displaced persons and sixty days'
63 notice of referral sites for all other displaced persons prior to the date such
64 displaced persons are required to vacate the premises, and arrangements for
65 transportation to inspect referral sites; and

66 (4) Every displaced person shall be given a ninety-day notice to vacate,
67 prior to the date such displaced person is required to vacate the premises.

68 6. All displaced residential persons eligible for payments shall be provided
69 with relocation payments based upon one of the following, at the option of the
70 person:

71 (1) A five-hundred-dollar fixed payment; or

72 (2) Actual reasonable costs of relocation including, **but not limited to**,
73 actual moving costs, utility deposits, key deposits, storage of personal property
74 up to one month, utility transfer and connection fees and other initial rehousing
75 deposits including first and last month's rent and security deposit.

76 7. All displaced businesses eligible for payments shall be provided with
77 relocation payments based upon the following, at the option of the business:

78 (1) A one-thousand-five-hundred-dollar fixed payment; or

79 (2) Actual costs of moving including costs for packing, crating,
80 disconnection, dismantling, reassembling and installing all personal equipment

81 and costs for relettering similar signs and similar replacement stationery, **and**
82 **other reasonable costs of moving.**

83 8. If a displaced person demonstrates the need for an advance relocation
84 payment, in order to avoid or reduce a hardship, the developer or public agency
85 shall issue the payment subject to such safeguards as are appropriate to ensure
86 that the objective of the payment is accomplished. Payment for a satisfactory
87 claim shall be made within thirty days following receipt of sufficient
88 documentation to support the claim. All claims for relocation payment shall be
89 filed with the displacing agency within six months after:

90 (1) For tenants, the date of displacement;

91 (2) For owners, the date of displacement or the final payment for the
92 acquisition of the real property, whichever is later.

93 9. Any displaced person, who is also the owner of the premises, may waive
94 relocation payments as part of the negotiations for acquisition of the interest held
95 by such person. Such waiver shall be in writing, shall disclose the person's
96 knowledge of the provisions of this section and his entitlement to payment and
97 shall be filed with the acquiring public agency.

98 10. All persons eligible for relocation benefits shall be notified in writing
99 of the availability of such relocation payments and assistance, with such notice
100 to be given concurrently with the notice of referral sites as required in
101 subdivision (3) of subsection 5 of this section.

102 11. Any urban redevelopment corporation, its assigns or transferees,
103 which have been provided any assistance under the operation of chapter 99,
104 RSMo, chapter 100, RSMo, chapter 353, RSMo, or this chapter, with land
105 acquisition by the local governing body, shall be required to make a report to the
106 local governing body or appropriate public agency which shall include, but not be
107 limited to, the addresses of all occupied residential buildings and structures
108 within the redevelopment area and the names and addresses of persons displaced
109 by the redeveloper and specific relocation benefits provided to each person, as
110 well as a sample notice provided to each person.

111 12. An urban redevelopment corporation which fails to comply with the
112 relocation requirements provided in this section shall not be eligible for tax
113 abatement as provided for in chapter 353, RSMo.

114 13. The requirements set out in this section shall be considered minimum
115 standards. In reviewing any proposed relocation plan under the operation of
116 chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, the local governing

117 body or public agency shall determine the adequacy of the proposal and may
118 require additional elements to be provided.

119 14. Relocation assistance shall not be provided to any person who
120 purposely resides or locates his business in a redevelopment area solely for the
121 purpose of obtaining relocation benefits.

122 15. The provisions of sections 523.200 and 523.205 shall apply to land
123 acquisitions under the operation of chapter 99, RSMo, chapter 100, RSMo, or
124 chapter 353, RSMo, **or any other political subdivision initiating**
125 **condemnation proceedings**, filed for approval, approved or amended on or
126 after August 31, 1991.

523.250. 1. At least thirty days before initiating negotiations to
2 acquire any interest in real property interest by condemnation or in
3 lieu of condemnation, the condemning authority shall give written
4 notice of its intent to acquire the property interest to the owner of
5 record of the property to be condemned or acquired. Such notice shall
6 be given by regular mail at the address of the owner of record as listed
7 in the property tax rolls. However, this notice shall not be required
8 prior to conducting discussions or informational meetings for the
9 purpose of assessing and determining the actual route or location of
10 property that may be taken by eminent domain, the support or
11 opposition to the proposed project, ability to obtain necessary
12 governmental approvals, or related matters.

13 **2. The notice shall, at a minimum, include:**

14 **(1) The legal description and commonly known location of the**
15 **property interest to be acquired;**

16 **(2) The purpose or purposes for which the property is being**
17 **condemned;**

18 **(3) That the property owner has the right to seek legal counsel**
19 **with respect to the condemnation;**

20 **(4) That the property owner has the right to obtain his or her**
21 **own appraisal of the property interest being condemned;**

22 **(5) That the property owner has the right to a judicial**
23 **determination regarding the propriety of the condemnation and the**
24 **amounts of the proposed compensation for the property;**

25 **(6) That the property owner has the right to have these issues**
26 **decided by a jury of his or her peers;**

27 **(7) That the condemning authority shall pay the reasonable costs**

28 of an appraisal; and

29 (8) That the property owner must notify the condemning
30 authority to initiate any reversion of an easement due to vacation or
31 abandonment of such easement.

32 3. Upon receipt of the notice described in subsection 1 of this
33 section, the property owner may employ an appraiser of his or her
34 choosing within sixty days to appraise the property interest to be
35 acquired by the condemning authority. Such appraisal shall be made
36 using sound, fair, and recognized appraisal practices which are
37 consistent with the law. A copy of the appraisal shall be provided to
38 the condemnation authority.

39 4. The condemning authority, at or before the time when the
40 notices required by subsection 1 of this section are sent, shall provide
41 public notice, by means of public meeting, newspaper advertisement,
42 or other similar means, of the general nature of the project and its
43 proposed location.

44 5. The notice requirements set forth in subsection 4 of this
45 section shall not apply to projects when:

46 (1) The property interests proposed to be condemned are for
47 easements only; and

48 (2) Five or fewer parcels of property or properties containing
49 less than fifty combined acres are involved in the proposed
50 condemnation. When determining whether five or fewer parcels on the
51 number of acres are involved, the entire proposed condemnation
52 project shall be considered and shall not be divided for the purpose of
53 utilizing this exemption.

523.253. 1. A condemning authority shall present a written offer
2 by giving written notice of such offer to all owners of record of the
3 property at the address of the property and at the most recent mailing
4 address for real estate tax bills in the records of the city or county
5 collector of revenue. The offer must be made at least thirty days before
6 filing a condemnation petition, and shall be held open for the thirty-day
7 period.

8 2. (1) If the property owner so chooses, the condemning
9 authority shall engage in mediation with the property owner to
10 determine the amount of compensation the owner shall receive for the
11 property. Mediation under this section shall be nonbinding and

12 independently administered. The condemning authority shall pay the
13 cost of the mediator. If the parties cannot mutually agree upon a
14 mediator, the property owner may petition the circuit court where the
15 property is located to appoint a mediator. The court shall appoint the
16 mediator within three business days. The mediation shall take place
17 within the thirty-day period that the written offer is held open under
18 subsection 1 of this section. If the parties cannot come to an agreement
19 during mediation, the offer shall remain open for the remainder of the
20 thirty-day period and the condemning authority may proceed with
21 condemnation proceedings.

22 (2) The condemning entity or the property owner may include in
23 the mediation any person or entity reasonably necessary to determine
24 the appropriate amount of compensation for the property to be
25 condemned. This subsection shall not be construed to mandate
26 attendance at a mediation by a person or entity other than the
27 condemning entity or property owner.

28 (3) No person who serves as a mediator, nor any agent or
29 employee of that person, shall be subpoenaed or otherwise compelled
30 to disclose any matter disclosed in the process of setting up or
31 conducting the mediation.

32 (4) Mediation proceedings shall be regarded as settlement
33 negotiations and the confidentiality of such proceeding shall be as set
34 forth in supreme court rule no. 17.

523.256. Before a condemning authority may proceed with a
2 petition for condemnation, the court shall make a preliminary
3 determination that the condemning authority has:

4 (1) Given proper and timely notice to all landowners as required
5 by this chapter;

6 (2) Made an initial offer no lower than the amount of the
7 compensation to be paid for the taking as reflected in an appraisal
8 performed by a licensed appraiser, provided an appraisal is required
9 by the terms of this chapter; and

10 (3) Given the landowner an opportunity to obtain his or her own
11 appraisal from a licensed appraiser of his or her choice at the
12 condemning authority's reasonable expense.

13 No condemnation petition shall go forward until the court determines
14 that the events in subdivisions (1), (2), and (3) have occurred.

523.259. If any condemning authority abandons condemnation at
2 any point prior to the final judgment of the court, the court may order
3 the condemning authority to pay the landowner's legal fees and
4 expenses, and may award damages resulting from the pendency of the
5 condemnation if proven by the landowner. Ceasing proceedings by
6 agreement or settlement shall not deem the property abandoned. Once
7 an order approving the condemnation is entered by the proper court,
8 the court may impose additional costs, including but not limited to
9 attorney fees, expenses, or punitive damages, if it determines that a
10 condemning authority has acted in bad faith by considering the
11 condemning entity's negotiation tactics.

523.261. Solely with regard to condemnation actions pursuant to
2 the authority granted by section 21, article VI, Constitution of Missouri
3 and laws enacted pursuant thereto, any legislative determination that
4 an area is blighted, substandard, or insanitary shall not be arbitrary or
5 capricious and shall be supported by substantial evidence; that such
6 procedural and evidentiary standards have been met shall be
7 reviewable by a court of competent jurisdiction.

523.262. 1. Except as set forth in subsection 2 of this section, the
2 power of eminent domain shall only be vested in governmental bodies
3 or agencies whose governing body is elected or whose governing body
4 is appointed by elected officials.

5 2. Private utility companies, public utilities, rural electric
6 cooperatives, municipally owned utilities, pipelines, railroads and
7 common carriers shall have the right of eminent domain as granted
8 pursuant to the provisions of other statutes.

523.265. Within thirty days of receiving a written notice sent
2 under section 523.250, the landowner may propose to the condemning
3 authority in writing an alternative location for the property to be
4 condemned, which alternative location shall be on the same parcel of
5 the landowner's property as the property the condemning authority
6 seeks to condemn. The proposal shall describe the alternative location
7 in such detail that the alternative location is clearly defined for the
8 condemning authority. The condemning authority shall consider all
9 such alternative locations. This section shall not apply to total takings.

523.271. 1. No condemning authority shall acquire private
2 property through the process of eminent domain for predominantly

3 economic development purposes.

4 2. For purposes of this section, the term "economic development"
5 shall mean a use of a specific piece of property or properties which
6 would provide an increase in the tax base, tax revenues, employment,
7 and general economic health.

523.274. The condemning authority, after making a finding that
2 each parcel of property in the area to be condemned meets the relevant
3 statutory definition of blighted, shall file a condemnation petition
4 regarding land deemed to be blighted within five years after the
5 redevelopment plan is authorized. If no such petition is filed within
6 the five-year period, or if any parcel of property in the area is
7 determined not to meet the relevant statutory definition of blighted,
8 the authority to acquire the property shall expire. Future acquisition
9 of the property after the expiration of the five years shall require the
10 reauthorization of such project by the condemning authority.

523.277. The governor's office of the general counsel shall create
2 an office of ombudsman by appointing a person to the position of
3 ombudsman. The ombudsman shall assist citizens by providing free
4 consultations to individuals seeking information regarding the
5 condemnation process and procedures. The ombudsman shall document
6 the use of eminent domain within the state and any complaints
7 associated with its use from persons utilizing the assistance of the
8 ombudsman and other relevant sources.

Section 1. 1. Private property shall not be taken through the use
2 of eminent domain without just compensation. For the purposes of this
3 section, "just compensation" shall mean the amount determined by
4 taking into consideration factors including, but not limited to, the fair
5 market value of the property, the willingness of the owner to sell the
6 property, the heritage or legacy value of the property, the highest and
7 best reasonable use of the property, the availability and cost of
8 comparable property in the area, anticipated profits of the acquiring
9 entity that results from the acquisition in whole or in part, any other
10 relevant factors, and associated reasonable relocation and replacement
11 costs.

12 2. Farmland shall not be determined to be blighted. For
13 purposes of this section, "farmland" shall mean all real property
14 classified as forest cropland or all real property used for agricultural

15 **purposes and devoted primarily to the raising and harvesting of crops;**
16 **to the feeding, breeding, and management of livestock, which shall**
17 **include breeding and boarding of horses; to dairy operations, or to any**
18 **combination thereof; and buildings and structures customarily**
19 **associated with farming, agricultural, and horticultural uses. Farmland**
20 **also shall include land devoted to and qualifying for payments or other**
21 **compensation under a soil conservation or agricultural assistance**
22 **program under an agreement with an agency of the federal government.**

Section 2. In addition to the modifications to a taxpayer's federal
2 **adjusted gross income in section 143.121, RSMo, to calculate Missouri**
3 **adjusted gross income there shall be subtracted from the taxpayer's**
4 **federal adjusted gross income any gain recognized pursuant to section**
5 **1033 of the Internal Revenue Code of 1986, as amended, arising from**
6 **compulsory or involuntary conversion of property as a result of**
7 **condemnation or the imminence thereof.**

[99.120. An authority shall have the right to acquire by the
2 exercise of the power of eminent domain any real property in fee
3 simple or other estate which it may deem necessary for its purposes
4 under sections 99.010 to 99.230 after the adoption by it of a
5 resolution declaring that the acquisition of the real property
6 described therein is necessary for such purposes. An authority may
7 exercise the power of eminent domain in the manner provided for
8 corporations in chapter 523, RSMo; or it may exercise the power of
9 eminent domain in the manner provided by any other applicable
10 statutory provision for the exercise of the power of eminent
11 domain. Property already devoted to a public use may be acquired
12 in like manner, provided that no real property belonging to the
13 city, the county, the state or any political subdivision thereof may
14 be acquired without its consent.]

[99.460. 1. An authority shall have the right to acquire by
2 the exercise of the power of eminent domain any real property
3 which it may deem necessary for a land clearance project or for its
4 purposes under this law after the adoption by it of a resolution
5 declaring that the acquisition of the real property described therein
6 is necessary for such purposes. An authority may exercise the
7 power of eminent domain in the manner and under the procedure

8 provided for corporations in sections 523.010 to 523.070, inclusive,
9 and 523.090 and 523.100, RSMo, and acts amendatory thereof or
10 supplementary thereto; or it may exercise the power of eminent
11 domain in the manner now or which may be hereafter provided by
12 any other statutory provision available to the community, and, as
13 to an authority in a constitutional charter city in the manner
14 provided in the charter of said city for the exercise of the power of
15 eminent domain.

16 2. Property already devoted to a public use may be acquired
17 in like manner, provided that no real property belonging to the
18 municipality, the county or the state may be acquired without its
19 consent.]

[100.420. 1. An authority shall have the right to acquire by
2 the exercise of the power of eminent domain any real property
3 which it may deem necessary for a project or for its purposes under
4 this law after the adoption by it of a resolution declaring that the
5 acquisition of the real property described therein is necessary for
6 such purposes. Any authority may exercise the power of eminent
7 domain in the manner and under the procedure provided for
8 corporations in sections 523.010 to 523.070, inclusive, and 523.090
9 and 523.100, RSMo, and acts amendatory thereof or supplementary
10 thereto; or it may exercise the power of eminent domain in the
11 manner now or which may be hereafter provided by any other
12 statutory provision available to the city, and, as to an authority in
13 a constitutional charter city, in the manner provided in the charter
14 of said city for the exercise of the power of eminent domain.

15 2. Property already devoted to a public use may be acquired
16 in like manner; provided that no real property belonging to the
17 municipality, the county or the state may be acquired without its
18 consent.]

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