

SECOND REGULAR SESSION

# SENATE BILL NO. 1135

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CALLAHAN.

Read 1st time February 14, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5140S.011

## AN ACT

To repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in certain cities.

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

Section A. Section 88.917, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 88.917, to read as follows:

88.917. Every city now having or which may at any time hereafter have  
2 a population of three hundred thousand inhabitants or over shall have at all  
3 times the power to establish the grade and change the grade already established,  
4 of any street, alley, avenue, public highway or public place, or any part thereof,  
5 as often as it may be deemed best for the public interest, and to cause the same  
6 or any part thereof to be graded to the established grade or to any change thereof;  
7 provided, however, that when a change is proposed to be made in the grade of any  
8 street, alley, avenue, public highway or public place, or any part thereof, which  
9 has once been established, the [two houses of legislation of such] city shall by  
10 [resolution] **ordinance** declare the work of improvement to be necessary, and  
11 cause such [resolution] **ordinance**, or the substance thereof, to be published in  
12 the newspaper doing the city printing, for ten days, Sundays included; and unless  
13 the resident owners of the city who shall own the majority in front feet of all the  
14 lands belonging to such residents fronting on the street, alley, avenue, public  
15 highway, public place, or part thereof to be improved, [shall,] within thirty days  
16 after the first day of the publication of such [resolution] **ordinance**, file with the  
17 city register their remonstrance against the proposed change, then the [two  
18 houses of legislation of such city shall have power by] ordinance to cause the  
19 proposed change to be made **shall become effective**; provided further, however,

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

20 that when the charter of any such city shall require that such [resolution or]  
21 ordinance shall, before being passed, be recommended by a board of public  
22 improvements, or other authority of such city, then the same shall, before being  
23 passed, be recommended as therein required. If the remonstrance of the resident  
24 property owners above mentioned shall be filed with the city register, as herein  
25 provided, the [power of the two houses of legislation] **ordinance** to make the  
26 proposed change in the grade of such street, alley, avenue, public highway or  
27 public place, or any part thereof, shall [cease] **not become effective** until a  
28 sufficient number of the persons so remonstrating or their grantees shall, in  
29 writing, withdraw their names or the property represented by them from such  
30 remonstrance, so that said remonstrance shall cease to represent a majority of the  
31 resident owners as above provided[, when the two houses of legislation may again  
32 proceed in the manner above mentioned].

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Bill

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