

FIRST REGULAR SESSION

# SENATE BILL NO. 72

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

S0193.021

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 88.050 and 523.070, RSMo 1994, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 88.050 and 523.070, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 88.050 and 523.070, to read as follows:

88.050. **1.** The city shall, by ordinance, confirm or reject the report mentioned in section 88.047 within thirty days after delivery of the said certified copy to the city clerk and shall file a certified copy of such ordinance with the clerk of the circuit court within ten days after the taking effect of such ordinance. Failure of the city to take action upon such report within the time limited shall be deemed a rejection of same. If such report is rejected in either manner, the proceedings shall be dismissed and no proceedings to condemn any of said property for the same or any similar purpose shall be instituted by the city within two years after the rejection of the report, unless upon the petition of the owners of three-fourths of the property fronting on the line of the proposed improvement.

**2. In all cases in which the city rejects the report mentioned in section 88.047, the court shall, upon the application of the property owner, enter a judgment against the city for all costs, expenses and reasonable attorney fees incurred by the property owner in defense of the complaint.**

523.070. **1.** The cost of the proceeding to appropriate the right-of-way shall be paid by the [company] **condemnor** seeking the appropriation, up to and including the filing and copying of the report of the commissioners' and the court, as to any costs made by subsequent litigation, may

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

make such order as in its discretion may be deemed just. The court shall allow the commissioners a reasonable compensation for their services, which shall be taxed as costs in the proceedings.

**2. In all cases of abandonment, as described in section 523.040, the court shall, upon the application of the property owner, enter a judgment against the condemnor for all costs, expenses and reasonable attorney fees incurred by the property owner in defense of the complaint.**

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