

FIRST REGULAR SESSION

SENATE BILL NO. 199

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Pre-filed January 4, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

SI011.011

AN ACT

To repeal section 523.040, RSMo 1994, relating to condemnation proceedings, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 523.040, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 523.040, to read as follows:

523.040. The court, or judge thereof in vacation, on being satisfied that due notice of the pendency of the petition has been given, shall appoint three disinterested commissioners, who shall be residents of the county in which the real estate or a part thereof is situated, to assess the damages which the owners may severally sustain by reason of such appropriation[, who,]. **One such commissioner shall be a citizen at large; one shall be a real estate broker licensed by the Missouri real estate commission; and one shall be a real estate appraiser licensed or certified by the Missouri real estate appraisers commissions. If no person holding any of the foregoing qualifications is available for appointment as a commissioner, the court shall appoint some other qualified person to serve as commissioner. The commissioners,** after having viewed the property, shall return to the clerk of such court, under oath, their report in duplicate, of such assessment of damages, setting forth the amount of damages allowed to the person or persons named as owning or claiming the tract of land condemned, and should more than one tract be condemned in the petition, then the damages allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated separately, together with a specific description of the tracts for which such damages are assessed[; and]. The

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

clerk shall file one copy of said report in his office and record the same in the order book of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land lies in said city) who shall record the same in his office, and index each tract separately as provided in section 59.440, RSMo, and the fee for so recording shall be taxed by the clerk as costs in the proceedings[; and]. Thereupon such company shall pay to the clerk the amount thus assessed for the party in whose favor such damages have been assessed[; and on]. **Upon** making such payment it shall be lawful for such company to hold the interest in the property so appropriated for the uses prescribed in this section[; and]. Upon failure to pay the assessment, the court may, upon motion and notice by the party entitled to such damages, enforce the payment of the same by execution, unless the said company shall, within ten days from the return of such assessment, elect to abandon the proposed appropriation of any parcel of land, by an instrument in writing to that effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages shall be void.

✓

Bill

Copy