

FIRST REGULAR SESSION

# HOUSE BILL NO. 625

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NICHOLS (Sponsor), DIEHL AND KRATKY (Co-sponsors).

1633L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to condemnation commissioners.

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

Section A. Section 523.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 523.040, to read as follows:

523.040. 1. 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, **and in any city not within a county, any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants at least two of the commissioners shall be either a licensed real estate broker or a state-licensed or state-certified real estate appraiser**, to assess the damages which the owners may severally sustain by reason of such appropriation, who, within forty-five days after appointment by the court, which forty-five days may be extended by the court to a date certain with good cause shown, after applying the definition of fair market value contained in subdivision (1) of section 523.001, and 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;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 and the clerk shall file one copy of said report in his office and record the same in the order book  
19 of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds  
20 of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land  
21 lies in said city) who shall record the same in his office, and index each tract separately as  
22 provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the  
23 proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the  
24 party in whose favor such damages have been assessed; and on making such payment it shall be  
25 lawful for such company to hold the interest in the property so appropriated for the uses  
26 prescribed in this section; and upon failure to pay the assessment, the court may, upon motion  
27 and notice by the party entitled to such damages, enforce the payment of the same by execution,  
28 unless the said company shall, within ten days from the return of such assessment, elect to  
29 abandon the proposed appropriation of any parcel of land, by an instrument in writing to that  
30 effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to  
31 so much 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 section, a commissioner  
33 shall notify all parties named in the condemnation petition no less than ten days prior to the  
34 commissioners' viewing of the property of the named parties' opportunity to accompany the  
35 commissioners on the commissioners' viewing of the property and of the named parties'  
36 opportunity to present information to the commissioners.

37         3. The commissioners shall view the property, hear arguments, and review other relevant  
38 information that may be offered by the parties.