

Condemnation
Jack McManus
Deputy City Counselor
City of Columbia

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Overview

1. Authority to condemn
2. Prerequisites
3. Condemnation process
4. Appellate review via writ of prohibition
5. Commissioner's hearing
6. Deposit
7. Exceptions
8. Jury trial on damages

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1. Authority to Condemn

State authority:

“The power of the state to appropriate private property to a public use is an inherent element of sovereignty.”

• *State ex rel. Missouri Cities Water Co. v. Hodge*, 878 S.W.2d 819, 820 (Mo. 1994)

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1. Authority to Condemn

Limits on state authority:

- Must be for “public use.”
- More commonly referenced as a “public purpose.”

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1. Authority to Condemn

Municipal authority:

- Home Rule: Art. VI, § 19(a) of the Mo. Const.:
 - Charter cities may exercise all powers the state except as limited by charter or by the General Assembly.
- What does the charter say?
- Any limit in state law?

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1. Authority to Condemn

Municipal authority:

- Non-charter political subdivisions:
 - Must have statutory authority
 - Lots of examples

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1. Authority to Condemn

Municipal authority:

- Blighted areas: A charter city or county may by ordinance, provide for redevelopment of blighted, areas by eminent domain.
 - Art. VI Sec. 21 of Mo. Const.
- RSMo §523.261 – Shall not be arbitrary or capricious or induced by fraud, collusion, or bad faith and shall be supported by substantial evidence.

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2. Prerequisites to Condemnation

• Constitutional prerequisites:

- Public Purpose:
 - Art. I, § 28: "The question whether the contemplated use be public shall be *judicially determined* without regard to any legislative declaration that the use is public."
- Still appropriate to have a legislative determination.

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2. Prerequisites to Condemnation

• Constitutional prerequisites:

- Public Purpose:
 - "[Condemnation] is a right belonging to a sovereignty to take private property for its own public uses, and not for those of another."
 - State ex rel. Missouri Cities Water Co. v. Hodge, 878 S.W.2d 819, 820 (Mo. 1994)

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2. Prerequisites to Condemnation

- Constitutional prerequisites:
 - Public Purpose:
 - “It is not necessary that the whole community or any large part of the community be benefited by the condemnation. It is sufficient if there is a benefit to any considerable number.”
 - Nor does it mean that there can be no benefit to specific individuals, so long as the benefit is incidental to the public benefit.
 - *City of Kansas City v. Knudly*, 140 S.W.2d 907, 915 (Mo. 1969)

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2. Prerequisites to Condemnation

- Constitutional prerequisites:
 - Necessity:
 - “The questions of whether the taking ... is “necessary” for the condemnor’s purpose ... are matters for political or legislative determination....
 - *Mapco, Inc. v. Williams*, 581 S.W.2d 402, 405 (Mo.App. W.D. 1979)
 - **Must have a legislative determination.**
 - To overcome determination, owner must prove fraud, bad faith or arbitrary, unwarranted abuse of discretion

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2. Prerequisites to Condemnation

- Local prerequisites:
 - Municipal requirements needed for authority to condemn:
 - Charter
 - Process ordinances

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2. Prerequisites to Condemnation

- Statutory prerequisites:
 - 523.250 – Notice of intended acquisition:
 - Notice letter must be sent 60 days before filing and contain 8 specific statements, including legal description and interest sought.
 - Notice letter must be mailed certified or registered to owner of record as listed in the office of the city or county assessor.
 - But, should probably be sent to others, such as occupants.

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2. Prerequisites to Condemnation

- Statutory prerequisites:
 - 523.253 – Written offer:
 - Must be no lower than the appraised value found by a Missouri appraiser and held open at least 30 days.
 - Offer letter must be mailed certified or registered to owner of record as listed in the office of the city or county assessor.

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2. Prerequisites to Condemnation

- Statutory prerequisites:
 - Delivery under 523.250 and 523.253:
 - The receipt issued to the condemning authority by the United States Post Office for certified or registered mail shall constitute proof of compliance with **this requirement**; *provided, however, that nothing in this section shall preclude a condemning authority from proving compliance with this requirement by other competent evidence.*

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2. Prerequisites to Condemnation

- Statutory prerequisites:
 - 523.256 – Good faith negotiations:
 1. All notices given.
 2. Offer no lower than appraised value.
 3. Owner had opportunity to obtain own appraisal.
 4. In a partial taking, condemnor considered alternative site suggested by owner.

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2. Prerequisites to Condemnation

- Practical prerequisites:
 - Get a certified survey.
 - Don't rely on historical info or description alone.
 - Try to negotiate far in advance.
 - File when you need to.
 - Assume at least 120 days from 523.250 notice to taking.

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3. Condemnation Process

- Parties – Rule 86.03: At a minimum, all persons or entities:
 - (1) in actual possession of the property; or
 - (2) having recorded title to the property. I include holders of recorded deeds of trust.

But, can join others who may have an interest affected by the taking.

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3. Condemnation Process

- Petition – Rules 86.04: The petition must include:
 - Property description.
 - Names of owners.
 - Basis for right to condemn – public purpose and necessity.
 - That parties could not agree on compensation.
 - A request for appointment of commissioners.

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3. Condemnation Process

- Exhibits to the petition:
 - Specific description and interest sought.
 - Diagram or survey.
 - Ordinance of acquisition.

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3. Condemnation Process

- Documents submitted with the petition:
 - Motion to set condemnation hearing
 - Proposed order setting condemnation hearing
 - Proposed order of condemnation and appointment of commissioners.
 - Proposed oath of commissioners.
 - Proposed instructions to commissioners.
 - Proposed report of commissioners.

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3. Condemnation Process

- Condemnation Hearing:
 - Order for hearing served with the petition.
 - Often pro forma and uncontested.
 - Can be required to provide testimony on public purpose and necessity.

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3. Condemnation Process

- Judge issues order of condemnation and appoints commissioners.
 - Commissioners must be three property owners residing in the county.
 - One must be a broker or appraiser if in STL, STL Cty. or Jackson Cty.
 - 523.040; Rule 86.06

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4. Appellate Review via Writ

- The problem: What if the judge is wrong in ordering condemnation?
 - If there was no authority for the taking then the condemning authority is trespassing if it goes on the property.

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4. Appellate Review via Writ

- If the trespasser is a utility ... the welfare of the public [is a factor]. If the structure is permanent and needed to serve the public, then the landowner loses the right to force removal but can recover damages. Upon payment, the public utility acquires an easement.

• *Harris v. L. P. & H. Const. Co.*, 441 S.W.2d 377, 381 (Mo. App. 1969)

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4. Appellate Review via Writ

- A writ of prohibition “is the proper procedure by which to challenge a proposed order of condemnation.”

• *State ex rel. Missouri Cities Water Co. v. Hodge*, 878 S.W.2d 819, 820 (Mo. 1994)

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5. Commissioners’ Hearing

The rule is, there are no rules.

- No rules of evidence.
- No sworn statements.
- No record.
- No restrictions on attorneys “testifying.”

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5. Commissioners' Hearing

- What to bring:
 - The commissioners' oath.
 - The proposed commissioners' report.
 - Commissioners' fee bill.
 - The county appraised value, if helpful.
 - The city's appraisal and maybe the appraiser.
 - The plan's for the property.
 - The city's engineer and real estate professional.

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5. Commissioners' Hearing

- What to say:
 - Describe the overall project.
 - Describe why the property is needed and the impact.
 - Discuss the appraisal.
 - The level of detail depends on the commissioners.
 - Discuss the significance of any errors.
 - Discuss the weaknesses of the other parties appraisal.
 - Answer questions.
 - Walk through the commissioners' report.

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5. Commissioners' Hearing

- Commissioners must view property.
 - 523.040; Rule 86.06.
- Commissioners issue report with the valuation and fee bill.
 - Condemnor pays the fee bill.

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5. Commissioners' Hearing

- The court adjusts the value for:
 - Homestead properties (primary residence under certain conditions) – 25% increase.
 - Heritage properties (owned by same family for 50 years) – 50% increase.

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6. Deposit of Commissioners' Valuation

- If deposited with court, title transfers.
 - Condemnor has the risk of a higher judgment at trial.
 - Condemnor has remedies for failure to vacate.
 - 523.055

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6. Deposit of Commissioners' Valuation

- If not deposited with court:
 - Condemnor can abandon the proceeding but there are costs. 523.259.
 - Condemnor can file exceptions.
 - Interest is added to subsequent jury award from date of the report. 523.045.

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7. Exceptions

- Filed pursuant to 523.050 within 30 days.
- Condemnor can file exceptions regardless of whether the deposit is made or is withdrawn by the owner.
- The owner can file unless the deposit is withdrawn.
- If none filed, the case is done.

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7. Exceptions

- Depending on the county:
 - Filed in the condemnation case.
- OR*
- Filed as a new case.

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8. Jury Trial on Damages

- Handled like any other civil case.

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Overall

Condemnation law balances between:

Quick construction of public improvements

vs.

Protection of property rights

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The process guarantees early commencement of projects while preserving the landowners right to extensively and thoroughly litigate damages. **A single objecting landowner has no right to delay the commencement of a project for months or years** by interrogatories, depositions, discovery or dilatory practices.

• *Highway Comm'n v. Anderson, supra*, 735 S.W.2d 350, 352 (Mo. 1987)

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IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

THE CITY OF COLUMBIA, MISSOURI,)
a municipal corporation,)

PLAINTIFF)

vs.)

DEFENDANTS.)

Case No. _____

PETITION IN CONDEMNATION

COMES NOW the City of Columbia, Missouri, a municipal corporation, by and through its duly appointed Assistant City Counselor and for its Petition in Condemnation against Defendants avers that:

1. Plaintiff is a duly constituted municipal corporation organized and existing by virtue of the provisions of the Constitution of the State of Missouri as a Constitutional Charter City and is operating as such within the State of Missouri; that it has the power, as a municipal corporation, under Section 158 of Article XVIII of the Home Rule Charter of the City of Columbia, Missouri, to exercise its rights of eminent domain in accordance with proceedings for the condemnation of property as set out in the laws of Missouri for third-class cities, which are governed by the Revised Statutes of the State of Missouri.

2. Defendants _____, are the record owners in fee simple absolute of a tract of land located in the City of Columbia, Boone County, Missouri, as shown in quit claim deed recorded in Book _____, Page ____ of the Boone County, Missouri records, said tract being described as follows:

LEGAL DESCRIPTION

3. Plaintiff, for public use, benefit and convenience and as a public necessity, needs and hereby seeks to acquire, take and appropriate a permanent _____

easement and a temporary construction easement specifically described in Exhibit "A" attached hereto and incorporated herein by reference.

4. A plat indicating the location and route of said permanent _____ easement and a temporary construction easement for the purpose of constructing _____ is attached hereto, marked Exhibit "B," and incorporated herein by reference.

5. The acquisition of the temporary construction easement is necessary for the public use and welfare and for the purpose of constructing improvements to _____ on property owned by the Defendants, and the said temporary construction easement shall, thirty (30) days subsequent to completion of construction of the street located adjacent to and on Defendants' property, become null and void and Plaintiff shall have no further rights therein.

6. Plaintiff shall provide for reasonable restoration of the property upon which the temporary construction easement is located.

7. Except for the area required for the construction and maintenance of the utilities relocated as a result of the construction of _____, together with the other rights appropriated herein, the balance of the Defendants' lands will not actually be appropriated by Plaintiff, but will remain for such use for Defendants as will not endanger or interfere with the construction, maintenance or operation of said street or create a hazard thereto.

8. Plaintiff has notified Defendants of its intent to condemn these property interests and has provided information to Defendants within the time limits provided by Sec. 523.250 RSMo 2007.

9. Plaintiff has in good faith endeavored and attempted to purchase the easements upon and across the above-described real estate from Defendants as provided by Sec. 523.253 RSMo 2007 and has been unable to and cannot agree upon the proper compensation to be paid to Defendants by Plaintiff; and Defendants have refused to grant to Plaintiff satisfactory easements in or upon said property.

10. The City Council of Columbia, Missouri, has lawfully enacted Ordinance No. _____ authorizing condemnation of a permanent _____ easement and a temporary construction easement for the purposes set forth above, and a true copy of the said Ordinance is attached hereto, marked Exhibit "C," and incorporated herein by reference as fully as if set out verbatim.

WHEREFORE, Plaintiff prays that:

A. The Court order Defendants to appear before the Court at such day and hour as may be agreeable to the Court.

B. At the time and place fixed for Defendants to appear before the Court that the Court appoint three (3) disinterested Commissioners who shall be freeholders and residents of Boone County, Missouri, to ascertain, assess and award damages, if any, which Defendants, as owners of the above-described real estate, shall sustain by reason of the condemnation as prayed for herein.

C. Upon compliance by Plaintiff with any orders which may be entered hereunder and payment by Plaintiff of the award of the Commissioners appointed by the Court, that the Court enter a decree vesting in Plaintiff, its successors and assigns, the permanent and temporary easements as described in Exhibit "A" attached hereto and extinguishing Defendants' rights which are inconsistent thereto.

D. That the Court enter such other orders, judgments and decrees as seem just and proper to the Court.

CITY OF COLUMBIA, MISSOURI
A Municipal Corporation

By: _____
Cavanaugh Noce, MO Bar #47535
Assistant City Counselor
P.O. Box 6015
Columbia, MO 65205
(573) 874-7223
E-mail: cavanaugh.noce@CoMo.gov

ATTORNEY FOR PLAINTIFF

SERVICE LIST

BY BOONE COUNTY SHERIFF'S DEPARTMENT:

PERMANENT _____ EASEMENT

Legal description....

TEMPORARY CONSTRUCTION EASEMENT

Legal description...

CITY OF COLUMBIA, MISSOURI
A Municipal Corporation

By: _____

Cavanaugh Noce, MO Bar #47535
Assistant City Counselor
P.O. Box 6015
Columbia, MO 65205
(573) 874-7223
E-mail: cavanaugh.noce@CoMo.gov

ATTORNEY FOR PLAINTIFF

Plaintiff is entitled to take, acquire and appropriate said easements for the said purposes set forth in Plaintiff's Petition, and Plaintiff is entitled to have ascertained and assessed damages, if any, which Defendants as owners of the above-referenced tract of land may sustain by reason of the taking, acquisition and appropriation of said easements by Plaintiff.

4. The acquisition of the temporary construction easement is necessary for the public use and welfare and for the purpose of relocating utilities pursuant to construction of _____ improvements to _____, on property owned by the Defendants, and the said temporary construction easement shall, thirty (30) days subsequent to completion of construction of the street located adjacent to and on Defendants' property, become null and void and Plaintiff shall have no further rights therein.

5. Plaintiff has given Defendants proper information, notices and offer according to the provisions of Secs. 523.250 and 523.253 RSMo 2007.

6. Plaintiff, by and through its agents, attempted, before the filing of Plaintiff's Petition, to purchase said easements which it now seeks to take, acquire and appropriate by condemnation from the Defendants for the purposes aforesaid, but Plaintiff and said Defendants were unable to agree upon the proper compensation to be paid therefor, and the Defendants have refused to grant Plaintiff said easements.

WHEREUPON, the Court proceeds to enter judgment pursuant to the findings heretofore made.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that the land and premises owned by the Defendants described in paragraph 2 of Plaintiff's Petition is and stands condemned for the easements, as set out in Exhibit "A" to the petition filed in this cause, upon and across said real estate, and Plaintiff is hereby granted the easements as described in said Exhibit "A" upon and across the said tract of real estate owned by the Defendants for the purposes and subject to the conditions set forth in Plaintiff's Petition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that _____, _____, and _____ (_____ alternate), who are disinterested in the proceedings herein and are freeholders and residents of Boone

County, Missouri, are hereby appointed Commissioners, to ascertain, assess and award damages, if any, which Defendants as owners of the above-described real estate shall sustain by reason of the condemnation ordered herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff shall have the right to take possession of said easements for the uses and purposes aforesaid immediately upon the filing of the Commissioners' report and the payment into Court of any damages awarded by said Commissioners in said report.

IT IS FURTHER ORDERED that the Clerk of the Circuit Court of Boone County, Missouri, is directed to file one copy of said report in her office and record the same in the proper book and record of the Court and shall deliver the other copy of said report duly certified to the Recorder of Deeds of Boone County, Missouri, as required by law and that said Clerk shall cause a copy of this Order to be delivered to each of the Commissioners named herein.

JUDGE OF THE CIRCUIT COURT
OF BOONE

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

THE CITY OF COLUMBIA, MISSOURI,)
a municipal corporation,)
)
PLAINTIFF)
)
vs.)
)
DEFENDANTS.)

Case No. _____

OATH OF COMMISSIONERS

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

_____, _____
and _____, (the three Commissioners heretofore
appointed in the above-entitled cause) each upon his oath states that he is not
connected by blood, friendship, financial consideration or any other way with any of the
parties to this cause; that he is wholly disinterested in the outcome of this proceeding;
that he will forthwith view the property and return, under oath, to the Circuit Clerk such
assessment of net damages, if any, which Defendants may sustain by reason of the
appropriation of their land or interest therein, as set out in the Condemnation Petition;
and that he will impartially and faithfully perform and discharge all the duties as a
Commissioner in this cause in accordance with the law and the instruction of the Court.

Dated this ____ day of _____, 2016.

Subscribed and sworn to before me this ____ day of _____, 2016.

CHRISTY BLAKEMORE, CIRCUIT
CLERK

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

THE CITY OF COLUMBIA, MISSOURI,)
a municipal corporation,)

PLAINTIFF)

vs.)

DEFENDANTS.)

Case No. _____

REPORT OF COMMISSIONERS

NOW COME _____, _____ and _____, Commissioners by this Court appointed in the above cause, and respectfully report that on the ____ day of _____, 2016, the undersigned Commissioners met upon the tract or parcel of land upon, under and through which the permanent _____ easement and temporary construction easement sought to be appropriated by Plaintiff are located, and did view the same, together with the specific description of said tract or parcel and with the portions thereof to be condemned as described by Exhibit "A" attached hereto and incorporated herein by reference.

Your Commissioners, after having viewed the said parcel or tract of land belonging to Defendants, did assess the damages which the Defendants, as owners thereof, will sustain on account of the appropriation of the prayed for taking of said tract or parcel of land by Plaintiff at the sum of \$_____.

Your Commissioners further report that they have in all things complied with and fulfilled their duties as Commissioners in this cause in accordance with the law and instructions of the Court and ask that they be hence discharged.

Dated this _____ day of _____, 2016.

Subscribed to and sworn to before me this _____ day of _____,
2016.

CHRISTY BLAKEMORE, CIRCUIT
CLERK

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

THE CITY OF COLUMBIA, MISSOURI,)
a municipal corporation,)

PLAINTIFF)

vs.)

DEFENDANTS.)

Case No. _____

INSTRUCTIONS TO CONDEMNATION COMMISSIONERS

The law provides that when an interest in property is needed for a public purpose, the owners of the property must be compensated to the extent of the value, if any, for the interest taken. If an agreement about the amount of the damage as a result of the taking cannot be reached between the condemnor and the owners, then an action is filed in court and a commission of three persons is appointed to decide the correct amount to be paid.

You have been chosen to serve as commissioners in this case if you are qualified. To be qualified, you must be a resident of and own property in your own name in Boone County, Missouri, and you must not be connected in any way that might affect your judgment with any of the parties to the cause. Generally, you must be wholly disinterested in the outcome of the proceedings.

The condemnation petition in the court file identifies the condemnor and the owners of all interests in the property and describes the areas and interest to be acquired. Plans showing the areas being taken and the tracts from which they are being taken are available to you from the condemnor's attorney. Each of you should examine the petition and plans to confirm that you have no interest in the matter, then the "Oath of Commissioners" is administered by the Clerk of the Court.

After you have executed the oath, it is your duty to determine and report the amount of the monetary damage, if any, to the properties involved as a result of the taking of the property interests. The procedures for deciding the amount which is to be paid are set out in this instruction and any other instructions the Court may give you

either now or later in the proceedings. You should start promptly and proceed without any unnecessary delay.

Under the law, when the entire property is taken, the damage is equal to the fair market value of the entire property immediately before the taking. When only part of the property is taken, the damage is equal to the difference between the fair market value of the whole property immediately before the taking and the value of the remaining property immediately after the taking, which difference in value is the direct result of the taking and the uses which the condemnor has the right to make of the property taken. You should assume that the taking occurs on the day when you make your assessment.

The phrase "fair market value" as used in these instructions means the price which the property in question would bring when offered for sale by one willing but not obliged to sell it, and when bought by one willing or desirous to purchase it but who is not compelled to do so. In determining fair market value you should take into consideration all the uses to which the property may best be applied or for which it is best adapted, under existing conditions and under conditions to be reasonably expected in the near future.

You must make a visual examination of the interests being taken and of the properties from which they are being taken. Although it is not mandatory, it is common for all the commissioners to meet at the same time and to notify the participating owners and the condemnor as to when you will view the properties so they can appear and point out things which they feel are significant. This is normally done by requesting the attorney for the condemnor to arrange for notification, but may be done by you directly.

Other than viewing the property, what steps you take to determine the amount of damage to the properties involved is largely a matter of your choice; however, the steps commonly include a review of the condemnation petition and plans and a meeting with the owners and the condemnor. At the meeting, the owners and the condemnor have an opportunity to present any additional information they feel has some bearing on the amount of the damage. You may ask them for any additional information you feel you need.

There is no fixed format for such a meeting. Depending on the rights being taken and the number of tracts of land involved, you may choose to have it at the property

when you inspect it or you may choose to have it at a meeting room either on the same day the property is viewed or on a different day. Owners may speak for themselves or may have an attorney. You may ask any questions you have. No formal rules about evidence apply and witnesses and documents may be presented. Questions of procedure, such as who goes first, are entirely within the discretion of the commissioners.

When you have completed your investigation you should meet, arrive at your determination of the damages to each tract of land, and complete but not sign the Report of Commissioners form which has been provided to you. If you do not all agree on one or more of the tracts, any two of you may agree and submit the Report of Commissioners, without the agreement of the third commissioner, as to the amount of the damage.

After you have arrived at the amounts of your awards, you must contact the Circuit Clerk and make arrangements to appear, sign and submit the report at a time when the Circuit Clerk is available to receive it and witness your signatures. The report should be signed in front of and then left with the Circuit Clerk. If you cannot make arrangements to sign in front of the Clerk, each of your signatures must be certified and sealed by a certified notary public licensed to act in Missouri.

Condemnation Witness outline

1. Intro of Witness

- a. Employment/position
- b. Responsibilities.
 - i. How long in this position or with similar duties in other positions
- c. What does that involve as to the acquisition of property through condemnation?
 - i. Review of recorder of deeds records

2. Exhibit B, Certified copy of the ordinance of acquisition.

- i. Admit**
- b. What does passage of the ordinance in Exhibit B mean in terms of your work?
- c. Do you generally become familiar with the purpose of the acquisition that you are pursuing?
 - i. How?
 - ii. What is the purpose?

3. Ownership:

- a. Review of title records as to that property?
- b. What did you find?
- c. Exhibit C, Copy of deed showing transfer current owner**
- d. Exhibit D, copy of deed of trust.**
 - i. Admit C and D.**

4. Notice

a. § 523.250 requires notice be given to the owner of 60 days property prior filing an action for condemnation of property. Did the City provide that notice?

b. Delivered notice.

c. Exhibit E – Notice Letter

i. Who delivered to?

ii. How delivered?

iii. When delivered?

iv. Can confirm delivery?

1. Exhibit I, return receipt.

v. **Admit Exhibits E and I.**

vi. **Did the notice letter and the attachments meet the requirements of § 523.250?**

5. Sent offer

a. Exhibit F – Offer

b. Note date. Confirm sent that date.

c. Did the offer letter include the appraisal?

d. What was delivered with Exhibit D – Exhibits D

1. Admit

ii. Exhibit G – Return receipt

iii. Basis to confirm delivery other than receipt?

1. Admit

iv. Exhibit H – Appraisal

1. True and accurate copy of the appraisal you sent

2. Admit

6. Negotiations

- a. Were all notices sent as required by Chapter 523?
- b. How did the offered amount compare with the appraisal?
- c. Did the owner have the opportunity to obtain its own appraisal? Did it?
- d. Was an alternative location proposed?
- e. Did the City consider that proposal?
- f. Was there a written response to the alternative proposal?

7. Easement sought:

- a. Same as in notice letter.**
- b. Type of Easement –**
- c. No TCE**

ADMIT ANY DOCUMENTS YOU FORGOT

SUGGESTION OF COMMISSIONERS

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

The City of Columbia, Missouri,)	
A municipal corporation,)	
)	
Plaintiff)	
)	
vs.)	Case No. 19BA-CV00408
)	
Green Meadows Housing, LLC, et al.,)	
)	
)	
Defendants)	

City of Columbia’s Exceptions to Commissioners’ Awards

Plaintiff City of Columbia within thirty (30) days after Notice of Filing of Commissioners’ Report, hereby files its Exceptions to the reports and assessments of just compensation damages made by the commissioners appointed herein with respect to the tract of land described in the Condemnation Petition. Plaintiff requests that a jury determine damages and compensation in this cause, under the supervision of the Court, as in ordinary causes of inquiry of damages.

Respectfully submitted,

By: /s/ John K. McManus
John K. McManus # 59486
Assistant City Counselor
P.O. Box 6015
Columbia, MO 65205-6015
(573) 874-7228
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and correct copy of the above and foregoing was served upon all attorneys of record via the Court's electronic filing system on May 2, 2019.

/s/ John K. McManus