

General Condemnation Timeline* - Checklist

* No federal funds are used

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For Starters

- What interests are being sought?
- How will this serve a public use?

Contact Property Owner

- Have you contacted property owner to discuss project?
- Have you requested donation?
- If donation received, did you obtain waiver of compensation?

Get Appraisal/Valuation

- Have you consulted with an attorney to determine issues to be addressed in appraisal?
- Have you contacted a state-licensed appraiser?

Written Notice to Property Owners

- Is it 60 days in advance?
- Does it identify property you are interested in acquiring and state the legal description?
- Does it state purposes for which the property is to be acquired?
- Does it notify property owner(s) of their rights?
- Did you send it by certified/registered mail, with postage prepaid, to the owner of record?
- Will acquisition result in displaced persons? If so, have you given relocation assistance?

Authorization by Ordinance

- Was authorization granted prior to offer letter?
- Does ordinance contain description of project and improvements?
- Does ordinance contain types of interests in real property sought?
- Does ordinance contain legal descriptions of real property for each interest sought?

Written Offer to Owners

- Is it **at least 30 days** before you plan on filing condemnation petition?
- Was it sent by certified or registered mail to the owners of record?
- Does it provide City's appraisal or an explanation with supporting financial data?

Written Response to Alternative Locations

- Did owner(s) propose alternative locations within 30 days of receiving notice?
- If so, have you considered all alternative locations?
- Have you produced a written statement why alternative locations accepted/rejected?

Filing the Petition

- Does petition contain names of property owners or interested parties?
- Does petition contain legal description of the property?
- Does petition state authority to bring condemnation action?
- Does petition state nature of improvement or use associated with the taking?
- Does petition state good faith negotiations occurred but were unsuccessful?
- Does petition contain copy of construction plans?

Serve Defendants: Choose One

- Personal Service
- Certified mail (if out of state)
- Publication (if parties name or location unknown)

Condemnation Hearing: Must Establish

- Has due notice been given to parties?
- Have constitutional and statutory prerequisites been complied with?
- Is the taking necessary and for public use?

Commissioners' Appointment

- Have 3 disinterested commissioners been appointed to assess damages?

Notice of Property Viewing

- Commissioners will notify parties **ten days** before the scheduled viewing of the property.

Property Viewing

- Commissioners will view property, hear arguments, and review other relevant information

Commissioners' Report

- Commissioners' report is due **45 days after their appointment**

Determination of Homestead/Heritage Takings

- Circuit Court will determine whether homestead or heritage value should be assessed and will increase commissioners' award accordingly.

Notice of Payment

- After condemnor has paid award into Court, circuit clerk will give notice of payment within 5 days

Possession

- Owners must deliver possession **within 10 days after** receipt of notice of payment
- If not, court MAY extend deadline up to 90 days (if reasonable).
- If persons being displaced, possession delivered within 100 days of date of commissioners' award**

General Condemnation Timeline When Using Federal Funds (MoDOT Land Acquisition Procedures) - Checklist

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For Starters

- Have you obtained environmental approval/clearance?

Apply for Notice to Proceed/Acquisition Authority

- Will federal funds be used in ROW acquisition?
- If not, submit completed ROW plans to MoDOT with Request to Proceed with ROW Acq.
- If YES, apply to MoDOT for Notice to Proceed and Acquisition Authority.
- Have you received Acquisition Authority from MoDOT?

Contract with Consultants for Acquisition Activities

- Have you informed MoDOT prior to ROW activities commencing?
- Have you contacted a state-licensed appraiser?
- Have you contacted a review appraiser?
- Have you contacted a negotiator, who is a licensed real estate agent, to conduct negotiations?

Written Notice to Property Owners

- Is it 60 days in advance?
- Does it identify property you are interested in acquiring and state the legal description?
- Does it state purposes for which the property is to be acquired?
- Does it notify property owner(s) of their rights?
- Did you send the notice by certified/registered mail, with postage prepaid, to the owner of record?
- Will acquisition result in displaced persons? If so, have you given relocation assistance?
- Does it contain a relocation eligibility notice?

Written Offer to Owners

- Is it **at least 30 days** before you plan on filing condemnation petition?
- Was it sent by certified or registered mail to the owners of record?
- Does it provide City's appraisal or an explanation with supporting financial data?
- Does each letter have **legislative approval giving you the authority to condemn?**
- Does it contain **value of just compensation?** (either FMV, Homestead, or Heritage)

Written Response to Alternative Locations

- Did owner(s) propose alternative locations within 30 days of receiving notice?
- If so, have you considered all alternative locations?
- Have you produced a written statement why alternative locations have been accepted/rejected?

Board Ordinance Authorizing Condemnation Petition

- Has Board approved ordinance?

Filing the Petition

- Does petition contain names of property owners or interested parties?
- Does petition contain legal description of the property?
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ROW Clearance Certification

- Has all ROW been acquired?
- Has all legal/physical possession of all parcels been obtained?
- Has relocation assistance been made available?
- THEN**, City must submit ROW Clearance Certification Statement to MoDOT