

Ombudsman for Property Rights



Annual Report

The use of Eminent Domain in the state of Missouri

Office of Ombudsman for
Property Rights: Tom
Green

111 North 7th Street,
Suite 929
St. Louis, MO 63301

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Office of Ombudsman for
Property Rights: Tom
Green

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[OMBUDSMAN FOR PROPERTY RIGHTS]

The use of Eminent Domain in the state of Missouri

Executive Summary

As the Ombudsman I have traveled the state of Missouri meeting with the property owners who have sought assistance from the Office of Ombudsman. This office has been beneficial to the land owners because it provides assurance that there is someone they can bring their concerns to and that someone is monitoring the eminent domain process. This is the second year the Ombudsman office was able to bring on-line an electronic virtual rapid case filing system that was programmed by the Department of Economic Development. This has helped monitor all aspects of the Eminent Domain process and make reporting more efficient. The goal of this office will be to "assist the property owners with all the information they need and to help resolve their disputes if possible".

Website

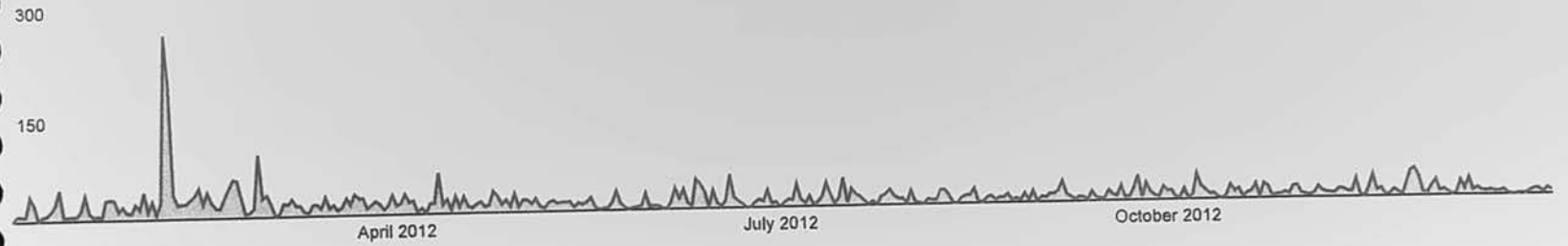
The Office of Ombudsman has an official website that can provide information about the eminent domain process to the landowner. The website was created in 2007 with the assistance of the Department of Economic Development; the website has several links of information on the topic of Eminent Domain. I have provided a Web Site Analytics Report that will show how this site has been helpful to Missourians who have contacted this site for information. I will be using this information when updating this web-site so that the information that people need is easy to find and updated.

Content Overview

% of pageviews 100.00%

Overview

● Pageviews



Pages on this site were viewed a total of 4,879 times

Pageviews: 4,879

Unique Pageviews: 3,951

Avg. Time on Page: 00:01:50

Bounce Rate: 70.50%

% Exit: 52.80%

Page	Pageviews	% Pageviews
1. /faq.htm	2,064	42.30%
2. /	968	19.84%
3. /blighted.htm	679	13.92%
4. /resources.html	411	8.42%
5. /about.htm	396	8.12%
6. /index.htm	361	7.40%

[view full report](#)

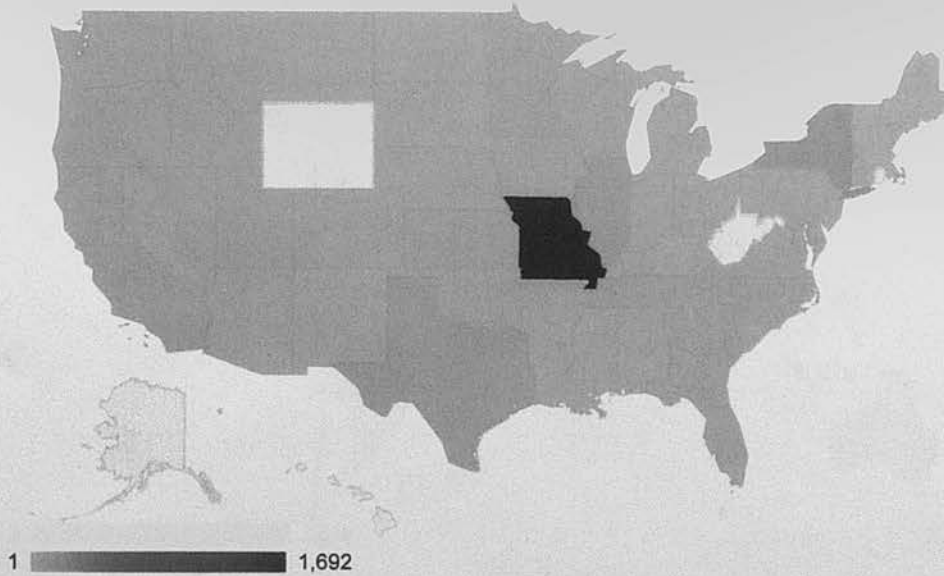
Location

ALL » COUNTRY / TERRITORY: United States

% of visits: 97.79%

Map Overlay

Site Usage



Visits 2,519 % of Total: 97.79% (2,576)	Pages / Visit 1.90 Site Avg: 1.89 (0.23%)	Avg. Visit Duration 00:01:40 Site Avg: 00:01:38 (1.21%)	% New Visits 74.24% Site Avg: 74.50% (-0.35%)	Bounce Rate 70.19% Site Avg: 70.50% (-0.44%)
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Region	Visits	Pages / Visit	Avg. Visit Duration	% New Visits	Bounce Rate
1. Missouri	1,692	2.03	00:01:49	75.06%	65.78%
2. New York	151	1.12	00:00:07	24.50%	96.03%
3. Illinois	80	1.81	00:01:31	83.75%	72.50%
4. Texas	72	1.49	00:00:44	76.39%	77.78%
5. Minnesota	44	1.43	00:01:18	79.55%	70.45%
6. Kansas	42	2.24	00:02:06	100.00%	69.05%
7. California	31	1.84	00:03:15	90.32%	67.74%
8. Florida	30	1.77	00:01:35	76.67%	70.00%
9. Tennessee	26	3.46	00:04:26	61.54%	57.69%
10. Wisconsin	26	2.04	00:01:39	61.54%	61.54%

Rows 1 - 10 of 47

Location

% of visits: 100.00%

Map Overlay

Site Usage



Visits 2,576 % of Total: 100.00% (2,576)	Pages / Visit 1.89 Site Avg: 1.89 (0.00%)	Avg. Visit Duration 00:01:38 Site Avg: 00:01:38 (0.00%)	% New Visits 74.50% Site Avg: 74.50% (0.00%)	Bounce Rate 70.50% Site Avg: 70.50% (0.00%)
---	--	--	---	--

Country / Territory	Visits	Pages / Visit	Avg. Visit Duration	% New Visits	Bounce Rate
1. United States	2,519	1.90	00:01:40	74.24%	70.19%
2. Canada	15	2.80	00:02:19	66.67%	53.33%
3. (not set)	7	1.00	00:00:00	100.00%	100.00%
4. Indonesia	6	1.00	00:00:00	100.00%	100.00%
5. India	4	1.00	00:00:00	100.00%	100.00%
6. Germany	3	1.67	00:00:38	100.00%	66.67%
7. Australia	2	1.00	00:00:00	50.00%	100.00%
8. Brazil	2	1.00	00:00:00	100.00%	100.00%
9. Ireland	2	1.00	00:00:00	100.00%	100.00%
10. Puerto Rico	2	1.00	00:00:00	50.00%	100.00%

Rows 1 - 10 of 23

Engagement

% of visits: 100.00%

Performance

Visit Duration

Visits

2,576

% of Total: 100.00% (2,576)

Pageviews

4,879

% of Total: 100.00% (4,879)

Visit Duration	Visits	Pageviews	Percentage of total	
			Visits	Pageviews
0-10 seconds	1,882	1,952	73.06%	40.01%
11-30 seconds	86	215	3.34%	4.41%
31-60 seconds	108	351	4.19%	7.19%
61-180 seconds	183	689	7.10%	14.12%
181-600 seconds	189	940	7.34%	19.27%
601-1800 seconds	109	575	4.23%	11.79%
1801+ seconds	19	157	0.74%	3.22%

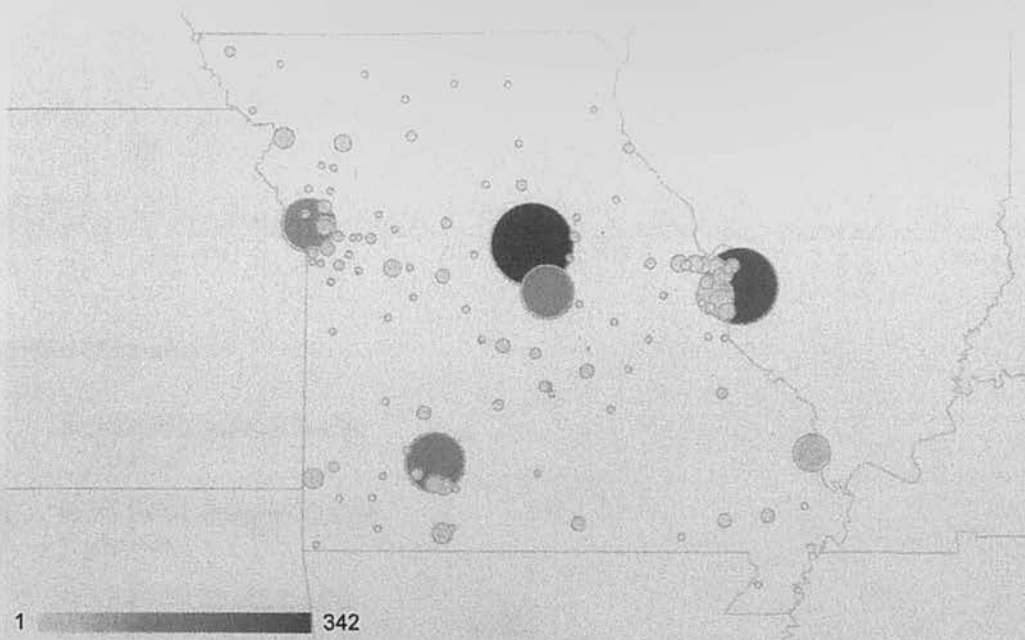
Location

ALL » COUNTRY / TERRITORY: United States » REGION: Missouri

% of visits: 65.68%

Map Overlay

Site Usage



Visits 1,692 % of Total: 65.68% (2,576)	Pages / Visit 2.03 Site Avg: 1.89 (7.37%)	Avg. Visit Duration 00:01:49 Site Avg: 00:01:38 (11.22%)	% New Visits 75.06% Site Avg: 74.50% (0.76%)	Bounce Rate 65.78% Site Avg: 70.50% (-6.69%)
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City	Visits	Pages / Visit	Avg. Visit Duration	% New Visits	Bounce Rate
1. Columbia	342	2.12	00:01:45	69.01%	61.40%
2. St Louis	299	2.04	00:02:14	69.90%	65.55%
3. Springfield	168	1.76	00:00:55	87.50%	64.29%
4. Jefferson City	140	2.31	00:02:13	75.71%	62.14%
5. Kansas City	134	2.39	00:02:41	81.34%	62.69%
6. Valley Park	63	1.68	00:01:12	28.57%	85.71%
7. Cape Girardeau	60	2.57	00:03:07	73.33%	55.00%
8. Ballwin	29	1.93	00:01:22	68.97%	65.52%
9. Fenton	25	1.40	00:01:59	68.00%	80.00%
10. Joplin	21	2.33	00:03:13	71.43%	61.90%

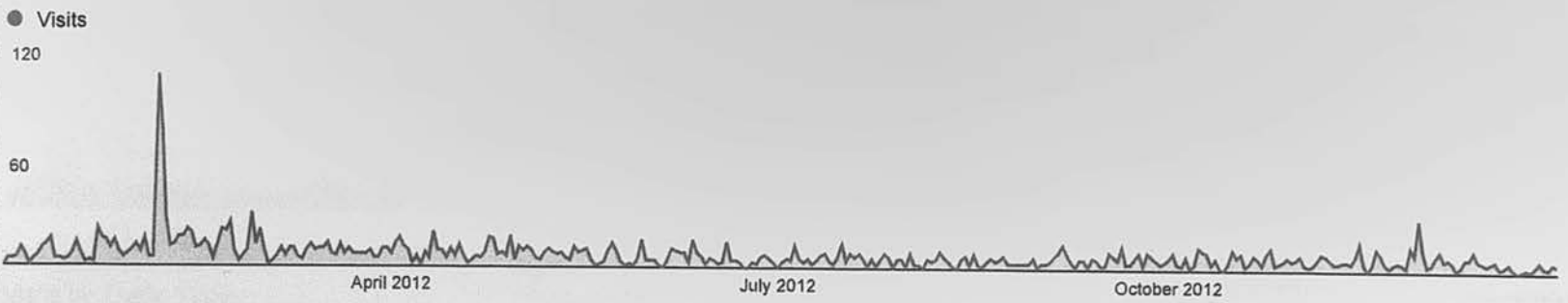
Rows 1 - 10 of 113

Traffic Sources Overview

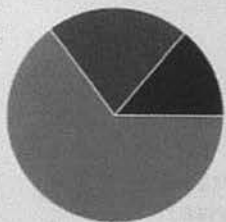
Jan 1, 2012 - Dec 31, 2012

% of visits: 100.00%

Overview



2,576 people visited this site



- **64.67% Search Traffic**
1,666 Visits
- **21.35% Referral Traffic**
550 Visits
- **13.98% Direct Traffic**
360 Visits

Keyword	Visits	% Visits
1. (not provided)	390	23.41%
2. eminent domain missouri	103	6.18%
3. missouri eminent domain law	67	4.02%
4. eminent domain	46	2.76%
5. missouri eminent domain	41	2.46%
6. what is eminent domain in missouri	31	1.86%
7. eminent domain in missouri	30	1.80%
8. who has the authority to condemn a house/property in eminent domain	21	1.26%
9. ombudsman missouri	19	1.14%
10. missouri ombudsman	17	1.02%

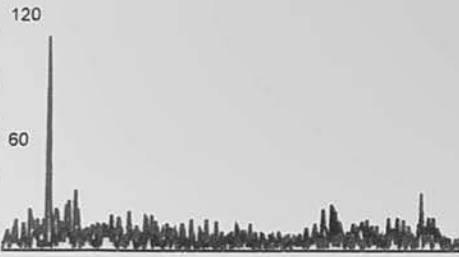
[view full report](#)

Dashboard 1

Jan 1, 2012 - Dec 31, 2012
Compare to Dec 31, 2010 - Dec 31, 2011

Visits

Jan 1, 2012 - Dec 31, 2012: ● Visits
Dec 31, 2010 - Dec 31, 2011: ● Visits



Pageviews

Jan 1, 2012 - Dec 31, 2012

4,879

% of Total: 100.00% (4,879)

Dec 31, 2010 - Dec 31, 2011

4,178

% of Total: 100.00% (4,178)



Unique Visitors

Jan 1, 2012 - Dec 31, 2012

1,954

% of Total: 100.00% (1,954)

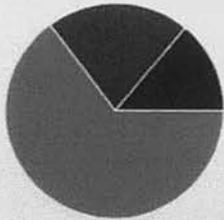
Dec 31, 2010 - Dec 31, 2011

1,707

% of Total: 100.00% (1,707)



Visits by Traffic Type



- **64.67% organic**
1,666 Visits
- **21.35% referral**
550 Visits
- **13.97% direct**
360 Visits

Avg. Visit Duration

Jan 1, 2012 - Dec 31, 2012:

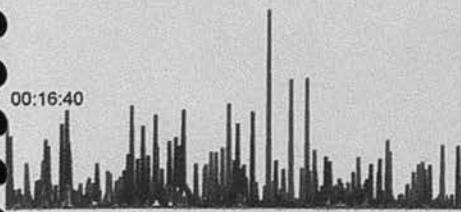
● Avg. Visit Duration

Dec 31, 2010 - Dec 31, 2011:

● Avg. Visit Duration

00:33:20

00:16:40



Pageviews by Page

Page	Pageviews
/faq.htm	
Jan 1, 2012 - Dec 31, 2012	2,064
Dec 31, 2010 - Dec 31, 2011	1,684
% Change	22.57%
/	
Jan 1, 2012 - Dec 31, 2012	968
Dec 31, 2010 - Dec 31, 2011	1,121
% Change	-13.65%
/blighted.htm	
Jan 1, 2012 - Dec 31, 2012	679
Dec 31, 2010 - Dec 31, 2011	308
% Change	120.45%
/resources.html	
Jan 1, 2012 - Dec 31, 2012	411
Dec 31, 2010 - Dec 31, 2011	398
% Change	3.27%
/about.htm	
Jan 1, 2012 - Dec 31, 2012	396
Dec 31, 2010 - Dec 31, 2011	372
% Change	6.45%
/index.htm	
Jan 1, 2012 - Dec 31, 2012	361
Dec 31, 2010 - Dec 31, 2011	290
% Change	24.48%
/search?q=cache:1ZEGJhEJbGoJ:www.eminentdomain.m o.gov/+what+is+eminent+domain+in+missouri&cd=1&hl=e n&ct=clnk&gl=us&client=safari&source=www.google.com	
Jan 1, 2012 - Dec 31, 2012	0
Dec 31, 2010 - Dec 31, 2011	1
% Change	-100.00%

Pages / Visit

Jan 1, 2012 - Dec 31, 2012

1.89

Site Avg: 1.89 (0.00%)

Dec 31, 2010 - Dec 31, 2011

1.89

Site Avg: 1.89 (0.00%)



Visits and Pages / Visit by Mobile (Incl...)

Mobile (Including Tablet)	Visits	Pages / Visit
No		
Jan 1, 2012 - Dec 31, 2012	2,321	1.94
Dec 31, 2010 - Dec 31, 2011	2,129	1.92
% Change	9.02%	1.49%
Yes		
Jan 1, 2012 - Dec 31, 2012	255	1.44
Dec 31, 2010 - Dec 31, 2011	84	1.18
% Change	203.57%	21.78%

Visits and Pages / Visit by City

City	Visits	Pages / Visit
Columbia		
Jan 1, 2012 - Dec 31, 2012	342	2.12
Dec 31, 2010 - Dec 31, 2011	72	2.67
% Change	375.00%	-20.50%
St Louis		

% Change	-100.00%
/search?q=cache:Jftt_YUH60wJ:www.eminentdomain.mo.gov/faq.htm+what+does+blighted+mean?&cd=9&hl=en&ct=clnk&gl=us&source=www.google.com	
Jan 1, 2012 - Dec 31, 2012	0
Dec 31, 2010 - Dec 31, 2011	1
% Change	-100.00%
/translate_c?hl=it&prev=/search?q=eminent+domain+condemned&start=30&hl=it&sa=N&biw=1159&bih=656&prmd=i mvns&rurl=translate.google.it&sl=en&u=http://www.eminentdomain.mo.gov/faq.htm&usg=ALkJrhjBTmKiHztwcQNgtSNp5iturjaklw	
Jan 1, 2012 - Dec 31, 2012	0
Dec 31, 2010 - Dec 31, 2011	1
% Change	-100.00%

% Change	4.18%	-10.46%
Springfield		
Jan 1, 2012 - Dec 31, 2012	168	1.76
Dec 31, 2010 - Dec 31, 2011	179	1.65
% Change	-6.15%	6.55%
Jefferson City		
Jan 1, 2012 - Dec 31, 2012	140	2.31
Dec 31, 2010 - Dec 31, 2011	149	2.04
% Change	-6.04%	13.08%

Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri		
Jan 1, 2012 - Dec 31, 2012	1,692	2.03
Dec 31, 2010 - Dec 31, 2011	1,354	2.01
% Change	24.96%	1.09%
New York		
Jan 1, 2012 - Dec 31, 2012	151	1.12
Dec 31, 2010 - Dec 31, 2011	187	1.28
% Change	-19.25%	-12.80%
Illinois		
Jan 1, 2012 - Dec 31, 2012	80	1.81
Dec 31, 2010 - Dec 31, 2011	62	2.24
% Change	29.03%	-19.15%
Texas		
Jan 1, 2012 - Dec 31, 2012	72	1.49
Dec 31, 2010 - Dec 31, 2011	51	1.67
% Change	41.18%	-10.83%
Minnesota		
Jan 1, 2012 - Dec 31, 2012	44	1.43
Dec 31, 2010 - Dec 31, 2011	18	1.17
% Change	144.44%	22.73%

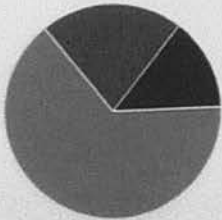
Kansas City		
Jan 1, 2012 - Dec 31, 2012	134	2.39
Dec 31, 2010 - Dec 31, 2011	125	2.17
% Change	7.20%	10.15%
Valley Park		
Jan 1, 2012 - Dec 31, 2012	63	1.68
Dec 31, 2010 - Dec 31, 2011	5	1.20
% Change	1,160.00%	40.21%
Cape Girardeau		
Jan 1, 2012 - Dec 31, 2012	60	2.57
Dec 31, 2010 - Dec 31, 2011	8	2.75
% Change	650.00%	-6.67%
Ballwin		
Jan 1, 2012 - Dec 31, 2012	29	1.93
Dec 31, 2010 - Dec 31, 2011	15	2.07
% Change	93.33%	-6.56%
Fenton		
Jan 1, 2012 - Dec 31, 2012	25	1.40

Dashboard 1

Visits

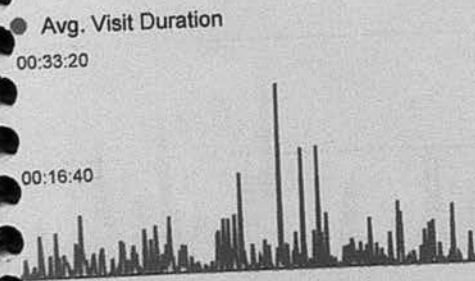


Visits by Traffic Type



- **64.67% organic**
1,666 Visits
- **21.35% referral**
550 Visits
- **13.97% direct**
360 Visits

Avg. Visit Duration



Pageviews

4,879
% of Total 100.00% (4,879)



Pageviews by Page

Page	Pageviews
/faq.htm	2,064
/	968
/blighted.htm	679
/resources.html	411
/about.htm	396
/index.htm	361

Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri	1,692	2.03
New York	151	1.12
Illinois	80	1.81
Texas	72	1.49
Minnesota	44	1.43
Kansas	42	2.24
California	31	1.84
Florida	30	1.77
Tennessee	26	3.46
Wisconsin	26	2.04

Unique Visitors

1,954
% of Total 100.00% (1,954)



Pages / Visit

1.89
Site Avg: 1.89 (0.00%)



Visits and Pages / Visit by Mobile (Incl...)

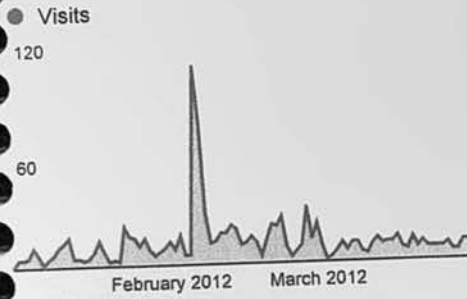
Mobile (Including Tablet)	Visits	Pages / Visit
No	2,321	1.94
Yes	255	1.44

Visits and Pages / Visit by City

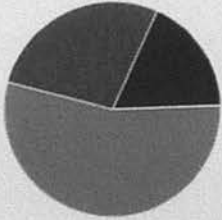
City	Visits	Pages / Visit
Columbia	342	2.12
St Louis	299	2.04
Springfield	168	1.76
Jefferson City	140	2.31
Kansas City	134	2.39
Valley Park	63	1.68
Cape Girardeau	60	2.57
Ballwin	29	1.93
Fenton	25	1.40
Joplin	21	2.33

Dashboard 1

Visits

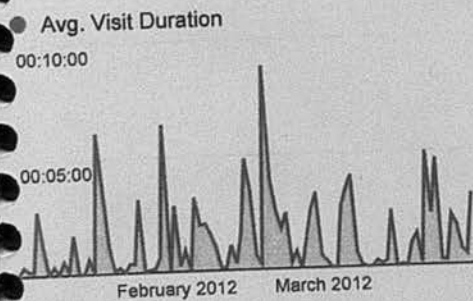


Visits by Traffic Type



- **54.62% organic**
555 Visits
- **27.55% referral**
280 Visits
- **17.81% direct**
181 Visits

Avg. Visit Duration



Pageviews

1,983
% of Total: 100.00% (1,983)



Pageviews by Page

Page	Pageviews
/faq.htm	759
/blighted.htm	421
/	357
/about.htm	152
/resources.html	151
/index.htm	143

Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri	711	2.12
New York	76	1.00
Illinois	32	1.97
Texas	20	1.35
Utah	14	1.79
California	12	1.75
Kansas	11	2.64
District of Columbia	9	1.11
Minnesota	9	1.56
Ohio	8	1.00

Unique Visitors

715
% of Total: 100.00% (715)



Pages / Visit

1.95
Site Avg: 1.95 (0.00%)



Visits and Pages / Visit by Mobile (Incl...)

Mobile (Including Tablet)	Visits	Pages / Visit
No	933	2.00
Yes	83	1.43

Visits and Pages / Visit by City

City	Visits	Pages / Visit
Columbia	230	2.20
St Louis	120	2.17
Jefferson City	58	2.74
Valley Park	50	1.78
Springfield	47	1.57
Kansas City	45	2.27
Fenton	16	1.62
Ballwin	13	2.62
Arnold	9	2.56
Cape Girardeau	8	2.62

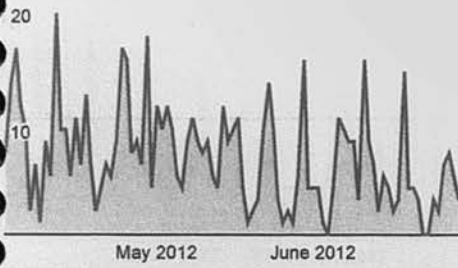
% Change	-49.40%	17.57%	Jan 1, 2012 - Dec 31, 2012	21	2.33
California					
Jan 1, 2012 - Dec 31, 2012	31	1.84	Dec 31, 2010 - Dec 31, 2011	30	2.23
Dec 31, 2010 - Dec 31, 2011	60	1.72	% Change	-30.00%	4.48%
% Change	-48.33%	7.11%			
Florida					
Jan 1, 2012 - Dec 31, 2012	30	1.77			
Dec 31, 2010 - Dec 31, 2011	23	1.61			
% Change	30.43%	9.82%			
Tennessee					
Jan 1, 2012 - Dec 31, 2012	26	3.46			
Dec 31, 2010 - Dec 31, 2011	11	1.09			
% Change	136.36%	217.31%			
Wisconsin					
Jan 1, 2012 - Dec 31, 2012	26	2.04			
Dec 31, 2010 - Dec 31, 2011	18	1.78			
% Change	44.44%	14.66%			

Dashboard 1

Apr 1, 2012 - Jun 30, 2012

Visits

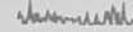
● Visits



Pageviews

1,130

% of Total: 100.00% (1,130)



Unique Visitors

459

% of Total: 100.00% (459)



Pageviews by Page

Page	Pageviews
/faq.htm	515
/	227
/blighted.htm	116
/resources.html	100
/index.htm	89
/about.htm	83

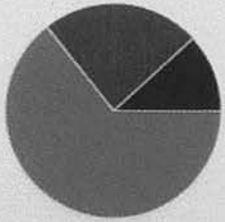
Pages / Visit

1.86

Site Avg: 1.86 (0.00%)



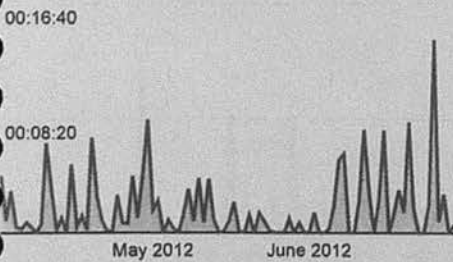
Visits by Traffic Type



- **64.30% organic**
391 Visits
- **23.84% referral**
145 Visits
- **11.84% direct**
72 Visits

Avg. Visit Duration

● Avg. Visit Duration



Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri	372	1.99
New York	62	1.15
Texas	24	1.71
Illinois	18	1.72
Minnesota	12	1.50
California	11	2.55
Florida	11	1.45
Kansas	10	2.60
Pennsylvania	9	1.11
Wisconsin	5	1.20

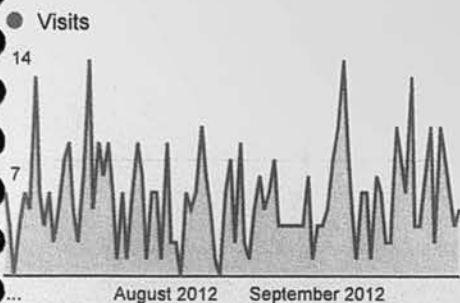
Visits and Pages / Visit by City

City	Visits	Pages / Visit
Columbia	61	1.85
St Louis	54	2.15
Cape Girard eau	48	2.54
Jefferson Cit y	35	1.37
Kansas City	33	2.58
Springfield	30	1.47
St Joseph	7	2.00
Cameron	6	3.50
Ballwin	5	1.00
Fenton	5	1.00

Dashboard 1

Jun 29, 2012 - Sep 30, 2012

Visits



Pageviews

901

% of Total: 100.00% (901)



Unique Visitors

376

% of Total: 100.00% (376)



Pageviews by Page

Page	Pageviews
/faq.htm	377
/	186
/resources.html	101
/about.htm	92
/blighted.htm	74
/index.htm	71

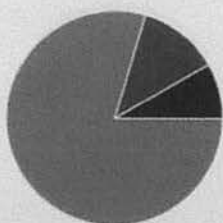
Pages / Visit

2.03

Site Avg: 2.03 (0.00%)

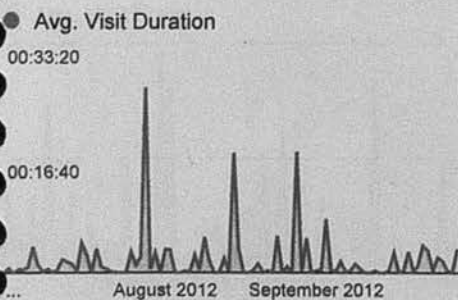


Visits by Traffic Type



- **79.50% organic**
353 Visits
- **12.16% referral**
54 Visits
- **8.33% direct**
37 Visits

Avg. Visit Duration



Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri	284	2.20
Texas	17	1.41
Minnesota	14	1.29
Maryland	13	1.00
Tennessee	12	3.58
Illinois	11	2.09
Kansas	9	1.33
Florida	8	3.12
Wisconsin	8	3.25
Georgia	6	1.00

Visits and Pages / Visit by Mobile (Incl...)

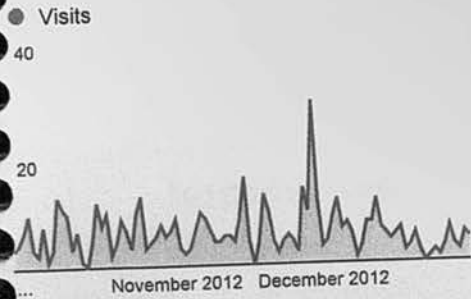
Mobile (Including Tablet)	Visits	Pages / Visit
No	392	2.11
Yes	52	1.38

Visits and Pages / Visit by City

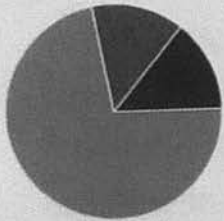
City	Visits	Pages / Visit
St Louis	55	2.04
Springfield	36	2.28
Jefferson City	35	2.11
Kansas City	28	2.86
Columbia	26	1.96
Joplin	9	3.11
Branson	7	1.29
St Joseph	6	2.83
Ballwin	5	2.00
o Fallon	4	2.25

Dashboard 1

Visits

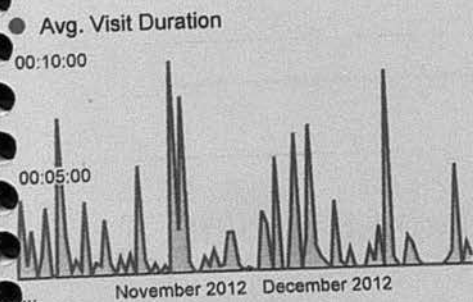


Visits by Traffic Type



- **72.08% organic**
377 Visits
- **13.95% direct**
73 Visits
- **13.95% referral**
73 Visits

Avg. Visit Duration



Pageviews

899
% of Total: 100.00% (899)



Pageviews by Page

Page	Pageviews
/faq.htm	428
/	202
/about.htm	74
/blighted.htm	72
/resources.html	62
/index.htm	61

Unique Visitors

452
% of Total: 100.00% (452)



Pages / Visit

1.72
Site Avg: 1.72 (0.00%)



Visits and Pages / Visit by Mobile (Incl...)

Mobile (Including Tablet)	Visits	Pages / Visit
No	446	1.76
Yes	77	1.48

Visits and Pages / Visit by Region

Region	Visits	Pages / Visit
Missouri	331	1.77
Illinois	19	1.47
(not set)	13	1.00
Kansas	12	2.25
Wisconsin	12	1.75
New York	11	1.82
Tennessee	11	2.45
Texas	11	1.36
Minnesota	9	1.44
Maryland	8	1.00

Visits and Pages / Visit by City

City	Visits	Pages / Visit
St Louis	70	1.76
Springfield	56	1.75
Kansas City	30	1.83
Columbia	25	2.16
Jefferson City	12	3.50
Branson	7	1.43
Valley Park	7	1.29
Ballwin	6	1.17
Nixa	6	1.33
Ozark	6	1.00

Introduction

This report will outline the controversial area of property rights and regulatory takings that has created court battles between Property owners and condemning authorities, which has a mood of winner-take-all. The Missouri Legislature passed a new law in 2006, House Bill NO. 1944, the new law was based on recommendations from the Missouri Task Force of Eminent Domain. I will examine in this report if this new law has in fact improved the process and procedures of exercising eminent domain for the land owner and the condemning authority.

The Ombudsman is a full time position created to assist individuals seeking information regarding the condemnation process and procedures. This report will also explain how the Ombudsman's office assist the citizens through the process of Eminent Domain. This office

Office of the Ombudsman for Property Rights

The Missouri Office of the Ombudsman for Property Rights is charged with assisting citizens by providing guidance, which shall not constitute legal advice, to individuals seeking information regarding the condemnation process and procedures. The Ombudsman is also responsible for documenting the use of eminent domain within the state and any issues associated with its use and shall submit a report to the general assembly on January 1, 2010, and on such date each year thereafter.

The term ombudsman means people's advocate, in the public context, the Ombudsman is an official, appointed by the government, responsible for investigating and resolving complaints reported by citizens. The Ombudsman concept itself is a common place fixture in American governments, universities, and corporations. The Ombudsman is a full-time position within the Office of Public Council, and the offices are located in St. Louis. The Ombudsman is a neutral position, operating within – but independent of – a government agency, whose sole job is to answer questions from both owners and condemning authorities, and to help resolve property rights disputes.

I am usually contacted by the landowner after they have received a letter from the condemning authority stating that they want to acquire land from the owner. I then make a site visit to the land owner to explain the process of eminent domain. Occasionally, our job is simply the bearer of bad news. In such circumstances an owner may be upset to learn that their specific grievance is not actionable, but they at least feel confident that the law has been explained sufficiently by an informed and unbiased source.

After receiving the initial phone call and providing the appropriate information to the property owner, I contact the condemning authority and explained the new law to them and to bring the land owners concerns to them for consideration. By increasing the flow of information and decreasing the hostility between the parties, I have enabled some parties to voluntarily resolve their disputes that arise during this process of eminent domain.

Property rights issues have been and will continue to be controversial. However, the wisdom of having a neutral third party to help assist owners in achieving a fair and equitable resolution of property acquisitions and also ensuring that the condemning authority obeys the law will help to resolve disputes.

Use of Eminent Domain in Missouri

The Office of Ombudsman documents the cases of eminent domain that have contacted my office during my tenure as the Ombudsman for Property Rights. The Office of State Courts Administrator compiles a database of court filings and produces an "annual report" that describes the types of cases filed in each circuit, and further broken down by county. This data base includes condemnation cases and exceptions filed, the only further breakdown of these cases concerns whether the particular condemning authority is either the "state" or "other." There is no further official Database describing each specific use of eminent domain. There is also a specific website for the Office of Ombudsman that shows the area of the state that citizens who are currently going through the eminent domain process. Those reports are documented in this annual report.

Issues that often arise in condemnation of property

When a condemning authority begins the process of acquiring property for a public use their become issues that come into play for the authority and the property owner.

Introductory Stage

The new law states that at least 60 days prior to initiating negotiations to acquire a property interest, the condemning authority must give a written notice to owner of record identifying the interest in real property to be acquired; the purpose for which the property is being condemned; and a statement of the

property owner's rights: 1) the right to seek legal counsel, 2) to make a counteroffer and engage in negotiations, 3) to make a counteroffer and engage in negotiations, 4) to obtain the landowner's own appraisal, 5) to contest the condemnation proceeding, 6) to have just compensation determined preliminarily by a court-appointed condemnation commissioners and ,ultimately, a jury.

Related Issues: I have experience property owners who become alarmed when they receive this notification from the condemning authority; there is a rush to judgment that they only have 60 days until they lose their property. Once I meet with them and explain the process an answer their questions they calm down.

Negotiation Stage

The condemning authority must negotiate in good faith and their offer must be based on an appraisal. If this case goes to a condemnation hearing and it is determined by a judge that good faith negotiations have not taken place, the court must dismiss the condemnation petition and order the condemning authority to reimburse the owner for his or her actual reasonable attorney fees and cost.

Related issues: This negotiation stage happens before the condemnation hearing in an effort to resolve the dispute of just compensation. Just compensation must be paid to a land owner in order for the condemning authority to take possession of the land. The financial amount to be paid to the land owner creates the most problems in this process. The issue of appraisals and how different the amounts from each appraisal are from the condemning authority and the land owners.

Condemnation Petition and Hearing Stage

If negotiations fail, a condemning authority must prepare a Condemnation Petition and submit it to the courts. The next step is the Condemnation Hearing; this is where both sides will meet in a court room before a Judge. The new legislation passed as HB 1944 in August of 2006 ought to make these hearings a fertile ground for property owners to inquire of the governing authority that is forcefully acquiring their homes or their commercial property. Property owners can now insist on all the proof of a) authority, b) necessity, c) public use, and d) good faith offers.

The judge will approve or reject the condemnation case at this time, if the condemnation is approved then an order of condemnation is entered, the court will appoint three disinterested commissioners, who must be residents of the county in which the property lies, to assess damages, if any that were caused to the property as a result of the taking. Such assessment must be concluded in 45 days unless extended by the court for good cause shown.

Related issues: The property owners have expressed concerns over their treatment by the condemning authority and would like to express their concerns to the court, but the judge does not allow that information to be stated in the condemnation hearing.

Filing of the Commissioners' Report

When the report of the commissioners is filed with the court clerk, then the circuit clerk is to immediately forward the report to the recorder of deeds for recording. The clerk is also to forward a notice of commissioner's report and award to each party in the suit.

Filing of Exceptions Stage and the Distribution of Monies Stage

If the amount of the award is not acceptable to you're the land owner , file exceptions to commissioners' award within 30 days of the receipt of the notice of filing of commissioners report or the land owner will lose the right to further challenge the amount of the award. If the condemning authority is displeased with the commissioner's award it has two choices. It can, within 10 days of the date of the filing of the award, elect in writing to abandon the condemnation, or the condemner may also file exceptions. The condemning authority can file an exception and also pay the commissioners award into the court. At this time the condemning authority can take possession of the land and also file an exception and continue on to a jury trial to dispute the commissioner's award.

Related issues: The land owner at this stage has many concerns; they could be happy with the commissioner's award and want the process of eminent domain of their property to be over. The condemning authority needs the property so they pay the award and the plan on continuing the legal process by taking the

owner to a jury in order to recoup some of the monies they paid to the land owner in the commissioner's award. This becomes a serious concern to the land owner and a situation many have felt they were not treated fairly by the condemning authority. The land owner has received the monies from the award but if the award is lowered by a jury in the continued legal action then they must pay back the difference to the condemning authority at 6% interest. This cloud of uncertainty brings much stress to the land owner whose has just lost their property to the condemning authority and knows might owe the condemning authority monies if a jury rules for the condemning authority.

Overview of 2012 issues involving Eminent Domain

I have noticed that many Municipalities and Utilities have taken a new approach to the process of Eminent Domain because of the new law. The new approach is that a condemning authority will contact the citizen and indicate that they would like to purchase their property and then give them all of the documentation needed as if they were acquiring the property through Eminent Domain. They explain to the citizen that they would like to purchase the property voluntarily but they will use Eminent Domain if they can't negotiate a settlement with them. This process was used by the City of Kansas City on their acquiring of property for their new Police station. Many citizens were upset with this process. The new law does not prohibit this process but many citizens did not like the fact that if the condemning authority negotiated with them with the threat of Eminent Domain as a option if the two parties could not agree on compensation for the property. The condemning authorities seem to have the advantage in these type of negotiations and the citizens have no way of knowing about their rights because the condemning authority does not have to notify them about the Office of Ombudsman since they are not in Eminent Domain. I am working with the City's and Utilities to let them know the citizens should be notified about the Office of Ombudsman if Eminent Domain is a part of their negotiation in acquiring property.

Missouri Condemnation Procedures and Law

Eminent domain, also known as condemnation, is the legal process by which a governmental agency is given the legal power to acquire private property for a public use. The "condemnor" is the public or private entity having the legal power of eminent domain. In tax increment financing projects, the private developer borrows the government's name in undertaking condemnation.

Under the Constitution, private property may be condemned so long as the taking is for a public purpose and the property owner is paid just compensation. "Just compensation" is designed to indemnify the property owner for his or her losses. This is often done by paying the "fair market value" for the value taken. If only a portion of the property is acquired, the owner may also be entitled to consequential damages to the property that remains. The owner has the right to be paid for the "highest and best use of the property," as opposed to the existing use. If the business is closely intertwined with the location, business damages may also be awarded.

THE PROCESS IN MISSOURI:

Briefly, the condemnation process is as follows:

The government (condemnor) makes an offer to purchase the property to be condemned; the offer is rejected by the property owner and the government then files a petition with the court seeking permission to condemn the property.

The judge holds a condemnation hearing, at which the property owner may challenge the government's right to condemn. The judge then approves or rejects the government's right to condemn.

The judge appoints three commissioners to determine the owner's compensation.

The commissioners conduct a hearing to determine the amount of compensation.

The commissioners report their decision to the court.

The government (condemnor) pays into court the compensation determined by the commissioners.

The government (condemnor) takes title to the property by reason of putting the money into court.

If the parties agree to the amount of the Commissioners' Award, the case may be settled. Otherwise, either side may file exceptions, which means requesting a jury trial.

The owner or tenants seek relocation benefits and services, if applicable.

If a tenant is involved, the Commissioners' Award might be divided between the landlord and tenant. If necessary, a hearing is called for a Motion for Apportionment, is held before a judge to decide dispute over how much of an award a tenant may be entitled to receive.

If the case does not settle, a jury trial is held to determine the amount of compensation. The jury is not told of the commissioner's decision.

Missouri law has eminent domain legislation to protect property owners. It affects negotiations, legal procedures, valuation and compensation. Below is a review of these laws.

- Blighting laws
- Negotiations and procedure before court actions
- Changes in property valuation
- Commissioners' hearing procedures
- Other changes

BLIGHTING LAWS

Preponderance of the properties within the blighted area must be blighted
(Section 523.274)

A municipality must now consider each individual parcel within a proposed project area and can only blight areas where a "preponderance" of the properties are blighted.

Eminent domain cannot be used solely for economic development (Section 523.271)

It is not permissible to condemn "solely" for "economic development."

Farmland cannot be blighted

Any land that is classified as farmland cannot be blighted. The law defines "farmland" broadly to include, for example, land used for forest cropland, agricultural purposes, feeding, breeding, and management of livestock, and dairy operations. In addition, land that is included under a soil conservation or agricultural assistance program of the federal government will also be considered farmland.

The court must now find "substantial evidence" supporting a finding of blight. (Section 523.261)

When blighting is used in condemnation a trial court must find "substantial evidence" to support a finding of blight. The burden is on the local government to prove an area is actually blighted.

The legal process to challenge blight is expedited (Section 523.261)

Any time there is a blighting ordinance, it can be challenged by any targeted property owner. In addition, an owner can usually wait until the condemnation petition has been filed to challenge blight during an eminent domain case. When any of these occur, the trial judge "shall give the case preference in the order of hearing to all other cases in order to conclude the case within 30 days of having been filed." Also, after a decision by the trial judge on blight, there is an automatic right to appeal the decision, and the appeal will be expedited.

Five years to condemn after blight ordinance (Section 523.274)

An eminent domain case must be filed within five years of the ordinance adopting blight. This time period can be extended in five year increments by legislative action.

Chapter 353 Redevelopment Corporations created after December 31, 2006 cannot condemn. (Sections 523.262)

353 corporations can only condemn property if they have a redevelopment

agreement effective prior to December 31, 2006. This is because after that date, only governmental bodies, or agencies whose governing body is elected, or whose governing body is appointed by elected officials, can exercise eminent domain powers.

NEGOTIATIONS AND PROCEDURES BEFORE COURT ACTIONS

Pre-Condemnation Notice (Section 523.250)

At least 60 days prior to filing a condemnation petition, the condemning authority must give a written notice to the owner of record that has the following information:

- Identifying the interest in real property to be acquired
- Stating the purpose for which the property is being condemned
- Information about the property owner's rights regarding the condemnation
- The right to seek legal counsel at the owner's expense
- The right to make a counteroffer and engage in further negotiations
- The right of the property owner to obtain the condemning authority's appraisal
- The right to have compensation determined by commissioners
- The right to seek assistance from the Office of the Ombudsman
- The right to contest the condemnation in court
- The notice shall be by certified or registered mail

Changing the location of a proposed condemnation project (Section 523.265)

Within 30 days after receiving a Notice of Acquisition, the Owner targeted with potential condemnation on part of his land may demand the condemning authority to consider an alternate location on his property. This procedure involves the landowner proposing, in writing, alternate locations on the same parcel in sufficient detail. A written response by the condemning authority is required giving the reasons why the alternatives are rejected or accepted.

Offer made to property owner 30 days prior to condemnation and with attached appraisal (Section 523.253)

No fewer than 30 days prior to filing a condemnation petition, a written offer

must be made to the owner and shall be held open for 30 days. In most cases, an appraisal is included with the offer.

Negotiations and good faith offers (Section 523.256)

This Legislation sets out what constitutes "good faith" by requiring:

- All notices under the statute must be timely given to the property owner
- The offer must be no less than the appraised value prepared by a state-certified appraiser
- The owner has had an opportunity to obtain his or her own appraisal
- The condemning authority has considered an alternate location suggested by the owner under section 523.265

If the court finds that the condemning authority did not negotiate in good faith, then the case will be dismissed and attorney's fees and costs shall be assessed against the condemning authority.

PROPERTY VALUATION

Methods of Valuation (Section 523.001)

Three methods to value property are expressly approved - the comparable sales approach, income approach and cost approach, or "generally accepted appraisal practices" to measure fair market value.

Definition of fair market value (Section 523.001)

"Fair market value" is defined as: "The value of the property taken after considering comparable sales in the area, capitalization of income, and replacement cost less depreciation, singularly or in combination, as appropriate, and additionally considering the value of the property based upon its highest and best use, using generally accepted appraisal practices. If less than the entire property is taken, fair market value shall mean the difference between the fair market value of the entire property immediately prior to the taking and the fair market value of the remaining or burdened property immediately after the taking".

Valuation - Heritage Property - 50% bonus (Section 523.001)

Property condemned which has been in the same family for more than 50 years will receive an additional 50% over the fair market value of the property.

Valuation - Homestead Property - 25% bonus (Section 523.001)

When a primary residence is condemned, the owner will receive an additional 25%. In partial takings, this only applies when the taking is within 300' of the residence and the owner shows that the taking prevents the owner from utilizing the property. Note that if the property is owned for more than 50 years in the same family, it is better for the owners to apply for the Heritage Value bonus of 50%. An owner cannot apply for both Homestead Value and Heritage Value.

COMMISSIONERS' HEARING PROCEDURES

Commissioners Hearing - time requirements (Section 523.040)

The new law requires that the commissioners view the property, hear testimony about the value of the property, and review information offered by the parties. The commissioners shall file a report within 45 days after being appointed, which may be extended by the court for good cause shown. Before their hearing, the Commissioners are required to give at least 10 days notice to the parties.

OTHER PROVISIONS OF THE LAW

Relocation benefits (Section 523.205)

The minimum residential payment for relocation is \$1,000. Alternatively, actual costs are paid.

The minimum benefit for businesses is \$3,000 for moving expenses. In addition, entitled businesses to an additional \$10,000 for reestablishment expenses.

Abandonment of condemnation, award of attorney's fees, expenses, and damages (Section 523.259)

In the event a condemning authority abandons a condemnation, the owner may recover attorney's fees, expert fees, expenses, and damages.

Procedures to abandon easements

If any easement created after Dec. 31, 2006 is abandoned for more than 10 years, the owner may petition to eliminate the easement. The owner must pay the compensation originally paid when the easement was acquired. This right may be waived at time of conveyance, or later.

Taxes

A property owner may reduce his gross adjusted income by the amount recognized as a gain under Federal Tax Code Section 1033.

Blanket easements are abolished (Section 523.282)

This section abolishes blanket easements created after Dec. 31, 2006 as against public policy.

Does not include easements that become fixed after completion of the initial improvements.

Easements cannot expand their uses (Section 523.283)

Road easements, utility easements and railroad easements that are acquired by condemnation or by negotiations in lieu of condemnation after August 28, 2006, cannot have expanded uses beyond the original purposes of the acquisition.

Ombudsman Office (Section 523.277)

An Office of Ombudsman for property rights was created to assist citizens involved with eminent domain. The statute clearly states that the ombudsman shall not provide legal advice.

Table 36
Circuit Court, FY 2012
Real Estate Cases Filed by Case Type

Cir. No.	County	Application-Enforce	Emin. Domain/Condemn./		Exception	Fore-Closure	Partition	Quiet Title	Rent and Possession	Unlawful Detainer	Landlord Complaint	JIS Other	Total Cases Filed
		Mechanic's Lien	State	Other									
1	Clark	0	0	0	0	0	0	2	0	0	0	0	2
	Schuyler	0	0	0	0	0	0	1	0	0	0	1	2
	Scotland	0	0	0	0	0	0	2	0	0	0	0	3
	Circuit Total	0	0	0	0	0	0	2	0	0	0	1	7
2	Adair	0	0	0	0	0	1	4	1	0	0	1	7
	Knox	0	0	0	0	0	0	2	0	0	0	0	2
	Lewis	0	0	0	0	0	0	0	0	0	0	2	2
	Circuit Total	0	0	0	0	0	1	6	1	0	0	3	11
3	Grundy	0	0	0	0	0	2	0	0	0	0	0	2
	Harrison	0	0	0	0	0	0	1	0	0	0	1	2
	Mercer	0	0	0	0	0	3	0	0	0	0	0	3
	Putnam	0	0	0	0	0	1	1	1	0	0	1	4
	Circuit Total	0	0	0	0	0	6	2	1	0	0	2	11
4	Atchison	0	0	0	0	0	0	1	0	0	0	0	1
	Gentry	0	0	0	0	0	0	0	0	1	0	0	1
	Holt	0	0	0	0	1	1	1	0	0	0	0	3
	Nodaway	0	0	0	0	0	0	0	1	0	0	0	1
	Worth	0	0	0	0	0	0	0	0	0	0	0	0
	Circuit Total	0	0	0	0	1	1	2	1	1	0	0	6
5	Andrew	0	0	0	0	1	1	2	0	0	0	0	4
	Buchanan	0	0	1	0	1	2	20	0	0	0	3	27
	Circuit Total	0	0	1	0	2	3	22	0	0	0	3	31
6	Platte	0	0	1	0	2	4	13	8	1	0	5	34
	Circuit Total	0	0	1	0	2	4	13	8	1	0	5	34
7	Clay	4	3	3	0	9	2	31	2	0	0	22	76
	Circuit Total	4	3	3	0	9	2	31	2	0	0	22	76
8	Carroll	0	0	0	0	0	3	2	0	0	0	0	5
	Ray	0	0	0	0	3	2	6	0	0	0	3	14
	Circuit Total	0	0	0	0	3	5	8	0	0	0	3	19
9	Chariton	0	0	0	0	0	0	1	0	0	0	1	2
	Linn	1	0	0	0	0	2	0	0	1	0	1	5
	Sullivan	0	0	0	0	0	2	0	0	0	0	0	2
	Circuit Total	1	0	0	0	0	4	1	0	1	0	2	9
10	Marion	0	0	0	0	0	3	3	0	1	0	4	11
	Monroe	0	0	0	0	1	2	1	0	0	0	0	4
	Ralls	0	0	0	0	0	1	1	0	0	0	1	3
	Circuit Total	0	0	0	0	1	6	5	0	1	0	5	18
11	St. Charles	5	2	9	10	53	9	57	5	5	1	30	186
	Circuit Total	5	2	9	10	53	9	57	5	5	1	30	186
12	Audrain	0	0	0	0	1	0	3	0	0	0	3	7
	Montgomery	0	0	0	0	0	0	2	0	0	0	3	5
	Warren	1	0	0	0	1	2	12	0	0	0	3	19
	Circuit Total	1	0	0	0	2	2	17	0	0	0	9	31
13	Boone	6	1	9	3	0	0	11	1	0	0	5	36
	Callaway	0	0	0	0	4	2	3	1	0	0	1	11
	Circuit Total	6	1	9	3	4	2	14	2	0	0	6	47
14	Howard	0	0	0	0	0	0	1	0	0	0	0	1
	Randolph	1	0	0	0	0	3	3	0	0	0	0	7
	Circuit Total	1	0	0	0	0	3	4	0	0	0	0	8
15	Lafayette	0	0	0	0	0	3	4	0	0	0	4	11
	Saline	0	0	0	0	1	3	2	0	2	0	2	10
	Circuit Total	0	0	0	0	1	6	6	0	2	0	6	21
16	Jackson	10	1	5	2	22	14	100	14	0	0	88	256
	Circuit Total	10	1	5	2	22	14	100	14	0	0	88	256
17	Cass	0	0	6	0	1	3	16	1	0	0	16	43
	Johnson	0	1	0	0	1	3	7	98	40	0	1	151
	Circuit Total	0	1	6	0	2	6	23	99	40	0	17	194
18	Cooper	0	0	0	0	0	0	1	0	0	0	5	6
	Pettis	0	0	0	0	0	3	5	0	0	0	5	13
	Circuit Total	0	0	0	0	0	3	6	0	0	0	10	19
19	Cole	2	0	1	5	0	3	4	0	1	0	2	18
	Circuit Total	2	0	1	5	0	3	4	0	1	0	2	18
20	Franklin	0	0	1	2	1	3	12	0	0	1	14	34
	Gasconade	0	0	0	0	0	3	2	0	0	0	0	5
	Osage	0	1	0	0	0	0	0	0	0	0	0	1
	Circuit Total	0	1	1	2	1	6	14	0	0	1	14	40
21	St. Louis County	14	1	17	41	41	16	202	8	0	2	60	402
	Circuit Total	14	1	17	41	41	16	202	8	0	2	60	402
22	City of St. Louis	7	0	1	1	28	7	100	0	1	0	18	163
	Circuit Total	7	0	1	1	28	7	100	0	1	0	18	163
23	Jefferson	6	1	5	0	5	9	50	1	1	0	25	103
	Circuit Total	6	1	5	0	5	9	50	1	1	0	25	103
24	Madison	0	0	0	0	0	0	4	0	0	0	2	6
	St. Francois	7	1	0	1	0	1	10	1	0	0	5	26
	St. Genevieve	1	0	2	0	0	2	5	1	0	0	2	13
	Washington	0	0	0	0	1	1	5	2	0	0	6	15
	Circuit Total	8	1	2	1	1	4	24	4	0	0	15	60

Table 36
 Circuit Court, FY 2012
 Real Estate Cases Filed by Case Type

Cir. No.	County	Application-Enforce		Emin. Domain/Condemn./		Exception	Fore-Closure	Partition	Quiet Title	Rent and Possession	Unlawful Detainer	Landlord Complaint	JIS Other	Total Cases Filed
		Mechanic's Lien	State	Other	Other									
25	Maries	0	0	0	0	0	0	0	1	0	1	0	4	6
	Phelps	0	0	0	0	0	0	1	0	0	0	0	2	7
	Pulaski	2	0	0	0	0	2	3	5	1	0	0	5	23
	Texas	2	0	2	0	0	1	1	10	0	0	0	5	23
	Circuit Total	4	0	2	0	0	3	5	20	1	1	0	16	52
26	Camden	3	0	1	0	0	2	1	23	0	1	0	17	48
	Laclede	0	1	1	0	0	0	2	3	0	0	0	8	15
	Miller	1	0	1	0	0	0	3	7	1	0	1	1	15
	Moniteau	0	0	0	0	0	0	0	0	0	0	0	1	1
	Morgan	0	0	0	0	0	0	5	8	0	1	0	10	24
	Circuit Total	4	1	3	0	0	2	11	41	1	2	1	37	103
27	Bates	0	0	0	0	0	0	4	1	0	0	0	1	6
	Henry	0	0	0	0	0	1	4	1	0	0	0	0	7
	St. Clair	0	0	0	0	0	3	9	3	1	0	0	1	17
	Circuit Total	0	0	0	0	0	0	0	2	0	0	0	0	2
28	Barton	0	0	0	0	0	0	1	2	0	0	0	1	4
	Cedar	0	0	0	0	0	1	0	1	0	0	0	1	3
	Dade	0	0	0	0	0	0	1	1	0	0	0	2	10
	Vernon	0	0	0	0	0	1	2	7	0	0	0	4	19
	Circuit Total	0	0	0	0	0	1	7	33	0	0	0	7	52
29	Jasper	4	0	0	0	0	1	7	33	0	0	0	7	52
	Circuit Total	4	0	0	0	0	1	7	33	0	0	0	7	52
30	Benton	0	0	0	0	0	0	1	10	0	0	0	4	18
	Dallas	0	0	0	0	0	1	1	4	0	0	0	4	10
	Hickory	0	0	0	0	0	3	4	4	0	0	0	4	12
	Polk	0	0	0	0	0	0	2	3	0	0	0	2	12
	Webster	1	0	1	0	0	4	7	29	1	0	0	21	64
	Circuit Total	1	0	1	0	0	6	16	41	0	0	1	13	81
31	Greene	3	0	1	0	0	6	16	41	0	0	1	13	81
	Circuit Total	3	0	1	0	0	6	16	41	0	0	1	13	81
32	Bollinger	0	0	0	0	3	0	3	4	0	0	0	2	12
	Cape Girardeau	1	0	2	3	0	0	2	12	1	0	0	7	28
	Perry	0	0	0	0	0	0	0	6	0	0	0	1	7
	Circuit Total	1	0	2	6	0	0	5	22	1	0	0	10	47
33	Mississippi	0	0	0	0	0	1	1	6	0	0	0	1	15
	Scott	0	0	1	0	0	1	2	10	0	0	0	3	24
	Circuit Total	0	0	1	0	0	1	3	16	0	0	0	1	8
34	New Madrid	1	0	0	0	0	0	0	1	0	0	0	1	5
	Pemiscot	0	0	0	0	0	0	1	4	1	0	0	1	13
	Circuit Total	1	0	0	0	0	0	1	9	1	0	0	1	9
35	Dunklin	0	0	0	0	0	1	2	5	0	0	0	2	10
	Stoddard	0	0	0	0	0	1	5	3	0	0	0	3	19
	Circuit Total	0	0	0	0	0	1	7	8	0	0	0	3	19
36	Butler	1	1	0	0	0	0	2	4	0	0	0	6	29
	Ripley	0	0	0	0	4	0	4	4	0	1	0	10	39
	Circuit Total	1	1	0	4	0	0	2	13	0	1	0	4	10
37	Carter	0	0	0	0	0	0	1	2	0	0	0	0	3
	Howell	0	0	0	0	0	1	2	12	0	0	0	3	18
	Oregon	0	0	0	0	0	0	1	3	0	0	0	3	11
	Shannon	0	0	0	0	0	2	6	6	0	2	0	9	42
	Circuit Total	0	0	0	0	0	2	6	23	0	2	0	9	42
38	Christian	0	0	1	0	0	2	1	7	0	0	0	7	18
	Taney	4	0	2	0	0	1	0	31	9	1	0	18	77
	Circuit Total	4	0	3	0	0	3	1	38	9	1	0	18	77
39	Barry	0	0	2	0	0	1	5	13	0	2	0	7	30
	Lawrence	0	0	0	0	0	2	1	7	0	1	0	6	17
	Stone	2	0	0	0	0	0	1	14	1	1	0	11	30
	Circuit Total	2	0	2	0	0	3	7	34	1	4	0	24	77
40	McDonald	0	0	0	0	0	1	1	17	0	2	0	8	29
	Newton	0	0	0	0	0	4	3	9	0	1	0	10	27
	Circuit Total	0	0	0	0	0	5	4	26	0	3	0	18	56
41	Macon	2	0	0	0	0	0	0	4	0	0	0	4	10
	Shelby	0	0	0	0	0	0	0	1	0	0	0	1	11
	Circuit Total	2	0	0	0	0	0	0	5	0	0	0	2	10
42	Crawford	0	0	1	0	0	1	1	7	0	0	0	1	4
	Dent	2	0	0	0	0	0	0	3	0	0	0	1	7
	Iron	0	0	0	0	0	0	0	4	0	0	0	3	10
	Reynolds	0	0	0	0	0	0	1	4	0	2	0	8	42
	Wayne	0	0	1	0	0	2	2	23	0	4	0	0	5
	Circuit Total	2	0	1	0	0	0	2	2	0	0	0	2	5
43	Caldwell	0	0	1	0	0	1	1	0	0	0	0	0	5
	Clinton	0	0	0	0	0	0	2	3	0	0	0	3	7
	Daviess	0	0	0	0	0	0	1	2	0	0	0	2	5
	DeKalb	0	0	1	0	0	0	1	1	0	0	0	7	29
	Livingston	0	0	0	0	0	0	2	1	0	0	0	0	4
	Circuit Total	0	0	3	0	0	1	7	11	0	0	0	0	4
44	Douglas	0	0	0	0	0	0	0	1	3	0	0	1	12
	Ozark	0	0	0	0	0	0	2	9	0	0	0	1	10
	Wright	0	0	0	0	0	0	1	8	0	0	0	2	26
	Circuit Total	0	0	0	0	0	0	4	20	0	0	0	5	24
45	Lincoln	2	1	0	0	1	1	2	10	0	1	0	3	7
	Pike	0	0	0	0	0	1	1	2	0	1	0	8	31
	Circuit Total	2	1	0	0	1	3	3	12	0	1	0	8	31
	STATE TOTAL	96	15	81	76	219	235	1,158	162	73	6	570	2,691	

Conclusion

A primary duty of the Ombudsman is to “document the use of eminent domain within the state and any issues associated with its use. There are still concerns that the new law hasn’t addressed all of the issues involved with the use of eminent domain by a condemning authority. The issues of just compensation, good faith negotiations, blighting of property, and the power of the condemning authority during the court process are all concerns raised by the citizens who are affected by this process.

As I stated in this report in my overview for the year 2012, condemning authorities have taken a new approach to Eminent Domain as a reaction to the new law. There is new case law being decided by the courts as citizens take their cases through the appeals process. The Missouri Supreme court has not ruled on any of these cases. The Missouri legislature could make some changes to the new law to empower the citizen more in the process of Eminent Domain.

In conclusion, I have learned that the ideas of private property rights, due process of law and just compensation date back hundreds of years before the writing of our federal constitution . In the 13th century British nobleman demanded and received rights from the monarch including the right to own and possess property without fear of government entry or confiscation. The document was called the “Magna Carta.” The ownership of property gives a citizen personal independence and the protection of property rights is essential to maintaining freedom, both political and economic, and to maintain a better standard of living for everyone.