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January 1, 2017

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2016 Report of the Ombudsperson for Property Rights

The Office of the Ombudsperson for Property Rights, created in 2006 by House Bill 1944 and located in the Office of the Public Counsel ("Public Counsel"), is tasked with assisting "citizens by providing guidance, which shall not constitute legal advice, to individuals seeking information regarding the condemnation process and its procedures" (Section 523.277 RSMo). The Ombudsperson is required by this statute to document the use of eminent domain within the state and any issues associated with its use, and shall submit a report to the General Assembly annually on January 1.

Many property owners contacted the Ombudsperson in 2016 with a wide variety of eminent domain questions. The guidance provided by the Ombudsperson included, but was not limited to, the following issues:

- the procedural timeframe involved in the condemnation of property;
- the steps a county government must take to condemn property;
- the valuation of property subject to condemnation;
- the heritage and homestead value of property taken by eminent domain;
- how transmission lines affect the value of property;
- how to make a counter-offer to a party seeking to acquire property;
- negotiating the value of trees being removed pursuant to eminent domain; and
- the authority for a permanent construction easement for a cell phone company
- the difference between a utility easement and a cell phone tower lease.

The below data includes summaries of specific 2016 projects involving eminent domain and summaries of relevant Missouri and Federal case law regarding eminent domain. It should be noted a number of the federal cases in the 8th Circuit involve Missouri landowners.

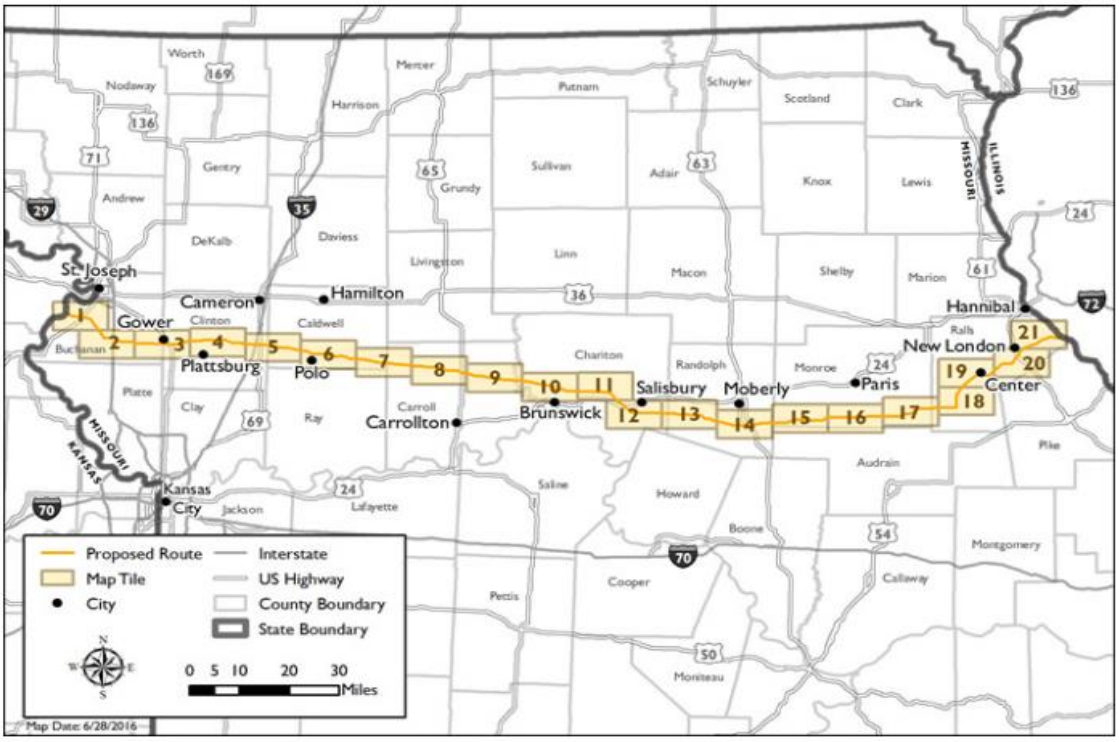
A. Noteworthy Missouri Projects Involving Eminent Domain in 2016

1. Grain Belt Express

The Grain Belt Express Clean Line is a $2.35 billion project consisting of an approximately 780-mile overhead, direct current transmission line that will deliver wind energy from western Kansas to utilities in Missouri, Illinois, Indiana, and other neighboring states. The project will deliver 500 MW into Missouri and 3,500 MW into states farther east. Approximately 206 miles of the high voltage, direct current transmission line will traverse northern Missouri from Kansas into Illinois and Indiana. The affected Missouri counties include Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe, and Ralls.

On July 1, 2015, the Missouri Public Service Commission ("MPSC") denied the request for a certificate of convenience and necessity ("CCN") authorizing Grain Belt Express Clean Line, LLC ("GBE") to construct, own, operate, control, manage and maintain the proposed electric transmission line. The MPSC concluded GBE failed to satisfy its burden to demonstrate that the project is necessary or convenient for the public service (MPSC Case No. EA-2014-0207).

The MPSC stated that if GBE gathers information it feels would make a better case for this project or a new project, it has the option to file a new application for a CCN. On August 30, 2016, GBE filed an updated application with the MPSC requesting approval of the project (MPSC Case No. EA-2016-0358). In its new filing, GBE noted its achievement of numerous milestones since its previous application. This included entering into a Transmission Service Agreement with the Missouri Joint Municipal Electric Utility Commission ("MJMEUC"), which has agreed to purchase 225megawatts ("MW") of capacity from the project. Several parties – in favor and against the project – have intervened in the matter. In December 2016, the MSPC held local public hearings in each of the eight affected counties to seek feedback about the proposed project. Formal evidentiary hearings in this case are scheduled for March 20–24, 2017. Below is a map of the proposed route of the transmission line.

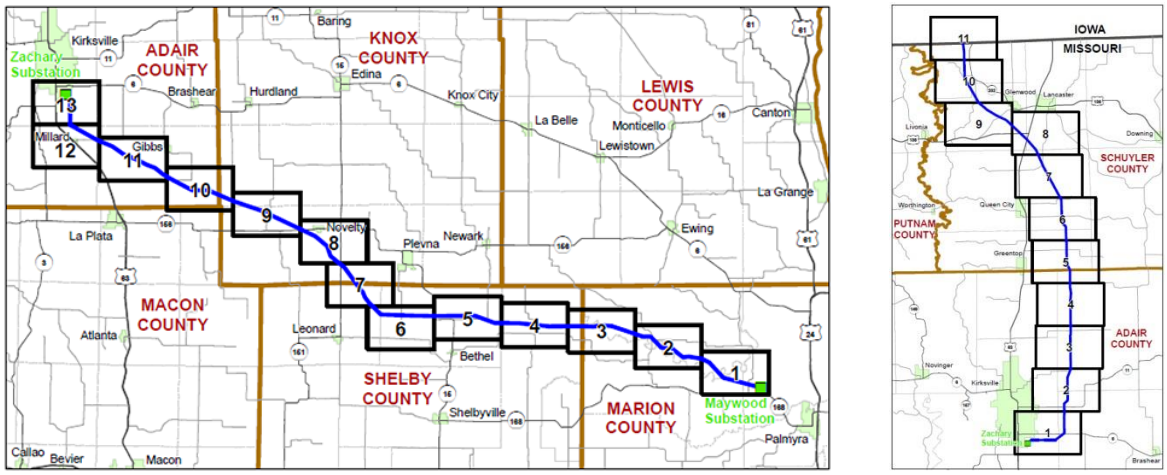


Map Source: http://www.grainbeltexpresscleanline.com/site/page/missouri_proposed_route

2. Mark Twain Transmission Project

In May 2015, the Ameren Transmission Company of Illinois ("ATXI") filed an application with the MPSC seeking authority to build and operate an electric transmission line in northeast Missouri, which ATXI has referred to as the Mark Twain Transmission Project (MPSC Case No. EA-2015-0146). The 97-mile transmission line is proposed to run from Palmyra to Kirksville (through Marion, Shelby, Knox and Adair Counties), and then turn north into Iowa (through Adair and Schuyler Counties). Construction of the line would require a 150-foot easement across private land for approximately 95 miles and a 100 foot easement for two miles.

In April 2016 the MPSC authorized ATXI to build its proposed 345,000-volt Mark Twain Transmission Line through Northeast Missouri—but only if all five county commissions (Marion, Knox, Shelby, Adair and Schuyler) give assent. Each of the commissions, however, has either denied or tabled action on this matter. Now, ATXI has filed suit against these county commissions in order to force this assent. Petitions seeking judicial reviews were filed last month against the commissions in Marion, Knox, Shelby, Adair and Schuyler counties. Court hearings are pending. The case numbers for each county are as follows: 16AR-CV00790 (Adair); 16AR-CV00790 (Knox); 16MM-CV00182 (Marion); 16SY-CV00145 (Schuyler); and 16SB-CC0009 (Shelby). Currently, only preliminary motions are being filed and no trial dates have been set. Below is a map of the proposed route of the transmission line.



Map source: https://www.ameren.com/mark-twain/

3. National Geospatial-Intelligence Agency

The National Geospatial-Intelligence Agency ("NGA"), currently located in south St. Louis City, announced its new location in June 2016. After a great deal of open negotiation that often became political between proposed new locations in St. Louis City and Illinois, the federal government decided to keep the project here in Missouri. The agency, which provides mapping support for the U.S. military, employs 3,000 people with an average salary of $75,000 and provides an estimated $2.4 million in annual earnings tax.

In February 2015, the St. Louis Board of Aldermen voted 17-11 in favor of an economic development bill for a 99-acre swath of north St. Louis specifically for the new headquarters. The bill enables the city to use eminent domain to buy up any property north of Cass Avenue in the redevelopment area to Montgomery Street. The site is bordered east and west by North Jefferson Avenue and North 22nd Street. Much of the land is vacant, but it does include houses of some longtime city residents. City leaders say the land is the only available spot in St. Louis that can house the facility.

Under the approved measure, the City can now use eminent domain on homeowners, forcing them to sell their property to the City at market rate. The plan is expected to cost about $8 million. The site is near the demolished Pruitt Igoe housing development, which was the original proposed site for the NGA structure. Officials said they had to expand from there because the agency required more room for its facility. The development won't actually occur on the old Pruitt Igoe site, but just north of it.

It remains unclear what the City plans to do with the actual site of Pruitt Igoe at this time but the Ombudsman will continue to monitor this matter.

After NGA officially picked the St. Louis location as its next home, the City will begin the complicated task of clearing the site and delivering it to the federal government by next year. That will include demolishing everything in the 99-acre zone. (Note: the original bill was for 100 acres but all other documents since the original legislation references 99 acres only). The City will have until October 2017 to deliver the site. That means demolishing the homes, improving infrastructure, conducting environmental cleanup, and utility work.

4. Miscellaneous Municipal and Other Projects

A number of Missouri municipalities exercised their power of eminent domain in 2016 by filing eminent domain petitions in Missouri's circuit courts. More specifically, there were forty-three cases filed by Missouri municipalities. Cities exercising such authority include, but may not be limited to, the cities of Ballwin, Blue Springs, Cape Girardeau, Columbia, De Soto, Gladstone, Hannibal, Independence, Joplin, Kansas City, Lee's Summit, North Kansas City, O'Fallon, Oronogo, St. Charles, St. Joseph, St. Louis, Richmond Heights, Weldon Springs, and Wright City. Most of these municipal condemnations involved road and sewer improvements, but also included takings involving park expansion, and redevelopment plans.

B. Eminent Domain Cases in Missouri Appellate Courts

Below is a summary of a few of the more noteworthy eminent domain cases from 2016 in the Missouri appellate courts.

1. *Metro. St. Louis Sewer Dist. v. City of Bellefontaine Neighbors*
476 S.W.3d 913 (Mo. 2016)

This case involved a construction error during the City of Bellefontaine Neighbors' street improvement project that resulted in damage to Metropolitan St. Louis Sewer District's ("District") sewer lines under the street. The issue was whether one political subdivision may sue another political subdivision for inverse condemnation.[1] The trial court stated that it has been previously established that, where a municipality does not initiate formal condemnation proceedings but nevertheless appropriates or damages *private* property through the course of some city project, inverse condemnation is the cause of action through which to raise a claim of unconstitutional takings under Mo. Const. art. I, sec. 26. In this case, the City damaged property solely for *public* use. The trial court concluded there is "no precedent in Missouri for including public property under the blanket of the state constitutional protection for private property…."

The Missouri Supreme Court accepted transfer on the case and held that the trial court did not err in entering judgment in favor of the City concluding the District failed to state an inverse condemnation claim and held sovereign immunity barred the District's tort claims against the City.

2. *Duffner v. City of St. Peters*
482 S.W.3d 811 (Mo. App. 2016).

Property owners filed suit challenging constitutionality and validity of city ordinance requiring owners to maintain turf grass on at least 50% of residential yards. The St. Charles

[1] Inverse condemnation is a term used in the law to describe a situation in which the government takes private property but fails to pay the compensation required by the 5th Amendment of the Constitution, so the property's owner has to sue to obtain the required just compensation.

Circuit Court granted the City of St. Peters's motion to dismiss for lack of jurisdiction and owners appealed.

On January 12, 2016, the Court of Appeals affirmed in part, reversed in part, and remanded the case. The court held that (1) circuit court had general plenary jurisdiction over owners' claims challenging validity of ordinance on grounds that it violated due process and amounted to regulatory taking; (2) claim that ordinance violated equal protection was collateral attack of decision of board of adjustment on application for variance, and thus, petition for writ of certiorari review to circuit was owners' exclusive remedy for that claim; (3) owners did not waive due process and takings claims, so as to deprive circuit court of subject matter jurisdiction, by applying for variance and failing to raise claims with board of adjustment; (4) owners' allegations failed to state claim that ordinance violated their substantive due process right to control their property; (5) owners stated claim for regulatory taking without just compensation; and (6) owners' allegations stated claim that city's enactment of ordinance impermissibly exceeded scope of powers granted by statute.

On December 19, 2016, the Duffners filed a federal civil rights lawsuit seeking a judgment to find St. Peters' grass ordinance unconstitutional (Case Number 4:16-cv-1971). This alleges the ordinance is "unnecessary for the advancement of any compelling or permissible state objective" and "imposes a permanent obligation on the owner to cultivate and maintain that unwanted physical presence on their property for no reason other than that the government commands it."

3. ***State ex. rel. Missouri Highways & Transp. Comm'n. v. Boer***
495 S.W.3d 765 (Mo. App. 2016)

This is a condemnation action involving the partial taking of approximately 1.74 acres of a 2.3–acre tract for a highway easement from property known as The Potted Steer Restaurant located in Camden County, Missouri. The trial court entered judgment following a jury verdict of $2,900,000 for damages, less adjustments for interest and previous payments. Missouri Highways and Transportation Commission ("MHTC") appealed this judgment, raising three points of alleged error. In those points, MHTC contends: (1) the trial court erred in allowing the landowner to base an opinion on comparable sales because he did not qualify as an expert; (2) the trial court erred in allowing the landowner to base an opinion on the amount of a comparable property sale because that sale was too remote in time; and (3) the trial court erred in allowing the landowner's counsel to reference the landowner's "business loss" during closing argument.

Finding no merit in MHTC's points, the Missouri Court of Appeals Southern District affirmed the trial court's judgment, holding that the trial court did not abuse its discretion by allowing the landowner to testify as an expert about comparable real estate sales or by admitting the fact and amount of prior real estate sale for comparison purposes. Additionally, while MHTC's counsel argued that any reference to the landowner's business losses was improper, the record indicated MHTC's counsel informed the jury that "other money" was available to compensate the landowners for their business. Therefore, the court held that there was no abuse of discretion by the trial court in permitting the landowner's counsel to rebut the argument about business loss and "other money" available for that.

4. ***Poger v. Missouri Dept. of Transp.***
ED 103293, 2016 WL 3189662 (Mo. App. 2016)

In October 2009, MoDOT paid the Wood Lake Residents Association ("Association") $1.5 million in exchange for 27.05 acres of purported common area within the Wood Lake Subdivision, located in Chesterfield (the "Property"). MoDOT acquired the Property in order to complete a project extending and widening Missouri State Highway 141. On January 5, 2012, a dozen homeowners initiated the lawsuit. Eventually, a class action was formed representing all the homeowners in Wood Lake Subdivision as well as over 450 separate individuals and entities (the "Appellants"). All of the claims filed were premised on the argument that the Association had no authority to sell the Property. The trial court granted summary judgment in favor of MoDOT finding that the Association had the authority to sell the Property and that the class were estopped from bringing their claims because they accepted the proceeds from the sale. The Court of Appeals affirmed in part, reversed in part, and remanded in part.

The Association had authority under the Indenture[2] and the general warranty deeds to sell the Property, and Appellants had no power to sell their interest in the Property independent of a sale of their lots or dwelling units. Appellants similarly had no direct right to receive the proceeds of the sale, except as beneficiaries under the Indenture. Thus, MoDOT did not violate Appellants' rights in purchasing the Property from the Association. Additionally, because Appellants accepted the benefits of the sale as beneficiaries of at least the pool improvement project undertaken by the Association as Trustee, they are estopped from contesting the validity of the sale. The trial court's summary judgment in favor of MoDOT was affirmed.

However, the trial court's summary judgment, as well as the summary judgment record, failed to establish the facts necessary to properly grant summary judgment on Appellants' claims against the Association and CMA as a matter of law. Thus, the trial court's summary judgment in favor of the Association and CMA is reversed and remanded for further proceedings.

5. ***Avery Contracting, LLC v. Niehaus***
492 S.W.3d 159 (Mo. 2016).

Owner of landlocked parcel brought action against the MHTC and adjoining neighbors seeking the creation of a private roadway over its property to provide neighbors access to public road. The Jefferson County Circuit Court granted motions to dismiss filed by MHTC and neighbors. Owner appealed. The Court of Appeals affirmed. Case was transferred to the Supreme Court.

The Missouri Supreme Court found the trial court did not err by dismissing Avery's petition to establish a private way of necessity across public lands owned by MHTC. The Court affirmed the trial court's judgment, holding that the statute governing creation of private roads did not apply to permit owner to create private road over neighbors' property to provide access to public road; and did not permit establishment of private way of necessity across public lands.

[2] An Indenture of Trust and Restrictions is a contract to which each homeowner becomes a party when acquiring property within a subdivision; by acquiring the property, the owners agree to the terms of the restrictive covenants contained in the Indenture.

C. Notable Cases at the Circuit Court

Below is a summary of reported eminent domain cases tried in Missouri circuit courts in 2016. Additionally, the Office of the State Courts Administrator has indicated that eighty-one eminent domain cases were filed in FY 2015. The report for FY2016 will not be ready for review until mid-January 2017. Our office is happy to provide that information at such time or upon your request.

1. Transource Missouri v. Crabtree Family Holdings

Case Number 15CY-CV10410 – Clay County Circuit Court

On October 5, 2016, a Clay County jury awarded a landowner from Ray County, $449,667 in damages from Transource Missouri, a company owned by Great Plains Energy (the holding company for Kansas City Power & Light and Kansas City Power and Light Greater Missouri Operations) and American Electric Power. The Defendant fought the condemnation of a 17.35 acre perpetual easement on their 272-acre property near Orrick. Transource Missouri took the easement to facilitate the construction of the Midwest Transmission Line Project, a 345kv electric transmission line running between Sibley, (in Jackson County) and Omaha, Nebraska. The project is projected to cost $400 million and is being constructed in partnership with Omaha Public Power District. The route of the 150- to 190-mile transmission has been finalized.

2. Ameren v. High Plain Land Co. (Saddle Creek Transmission Line)

Case Number: 10AB-CC00311 – Franklin County Circuit Court

On June 10, 2016, a Franklin County jury awarded High Plain Land Company ("High Plain") damages of $642,000 as a result of a 2010 condemnation case filed by Ameren Missouri, who ran its Saddle Creek Transmission Line across 1.28 acres of property held by the High Plain located along Highway 100. High Plain contended that the transmission line bisected its 15.81-acre parcel resulting in not only the loss of 1.28-acres where the easement was actually located but also rendered a small 1.43-acre "remnant" on the very edge of the parcel effectively worthless and unusable for any economic purpose.

In addition, High Plain claimed a "zone of danger" for 300 feet on each side of the transmission line easement due to the public perception of electromagnetic fields, fear of falling power lines during ice storms, and high winds.

After a five-day trial, a jury deliberated only three hours to deliver a judgment that the Defendant was entitled to $800,000. This included interest over a five and a half year period. The jury also awarded damages for a diminution in value of the first 100 feet to the east of the transmission lines as the area to the west was already included in the remnant damages.

According to Ameren Missouri, this is only the second Ameren UE condemnation case tried by a jury in Eastern Missouri since 2003.

D. Eminent Domain Cases in Federal Courts

The following 2016 federal cases involving eminent domain are of note for their potential impact in Missouri:

1. ***Abbott v. U.S.***
   Case Number: 1:15-cv-00211-LKG – United States Court of Federal Claims

In February 2015, the federal Surface Transportation Board issued a Notice of Interim Trail Use or Abandonment ("NITU") affecting approximately 144 miles of the abandoned Rock Island Railroad corridor through Missouri (Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade and Franklin Counties). The NITU was requested by the Missouri Department of Natural Resources in order to convert the abandoned railroad corridor to a recreational hiking and biking trail under the National Trails Act. The Rock Island Trail, a 47-mile rails to trails hiking and biking trail, opened on December 10, 2016. The ultimate goal is to connect the Rock Island Trail with the existing Katy Trail to form a 459-mile biking and hiking trail loop.

In response to the NITU, more than 350 landowners along the railroad corridor filed their inverse condemnation claims against the federal government, asserting that the change to recreational usage is a new easement and a new taking of property that requires just compensation. The lawsuit, *Abbott v. United States*, is currently pending in Case No. 1:15-CV-0211-LKG.

2. ***Scott Fam. Properties, LP v. Missouri Hwy. and Transp. Comm'n.***
   4:16-CV-263 (CEJ), 2016 WL 3125880.

Scott Family Properties, LP is the owner of an office building located adjacent to Interstate 64 in Chesterfield. In 2015, the Missouri Highways and Transportation Commission ("MHTC") built a sound wall between the office building and the highway. Scott Family Properties argued that the Commission failed to provide it with notice as required by federal and state regulations and that the sound wall impairs its ability to attract tenants resulting in a $5 million reduction in the building's value not contemplated by its compensation proposal. Scott Family Properties further argued that its rights to procedural due process and equal protection under the state and federal constitutions were violated. Scott Family Properties filed suit against the MHTC in state court, asserting both state law and federal claims. The MHTC timely removed the case to the United States District Court for the Eastern District of Missouri pursuant to federal question jurisdiction. Following removal, the Commission moved to dismiss for lack of subject matter jurisdiction and for failure to state a claim.

The District Court granted the motion to dismiss, holding the MHTC waived Eleventh Amendment immunity from inverse condemnation claim, that the claim for inverse condemnation based on private nuisance was not sufficiently alleged, that the procedural due process claim was not actionable under Missouri constitution, that the state procedural due process claim was barred by Eleventh Amendment, and that the § 1983 claims were not sufficiently alleged.

3. ***Am. Fam. Ins. v. City of Minneapolis***
   836 F.3d 918 (8th Cir. 2016).

Property insurers for a condominium association and basement unit owners brought a state-court subrogation action against the City to recover for violation of Equal Protection Clause and unlawful takings arising out of water-main break. Case was removed to federal court. The United States District Court for the District of Minnesota entered summary judgment in favor of City. Insurers appealed.

The United States Court of Appeals for the Eighth Circuit held (1) in the context of property damage stemming from a broken water main, due to significant differences between the two classifications of claimants and the losses they incurred, the insurance companies were not similarly situated to uninsured property owners for purposes of an Equal Protection Clause claim; (2) reasons proffered by the City, including protecting the welfare of its citizens by minimizing the time claimants were without housing and suffering uncompensated damages, as well as minimizing its own costs and litigation risks, demonstrated that its settlement decisions were rationally related to legitimate, government interests; and (3) because the insurers failed to pursue the available mandamus action in state court, both the state and federal takings claims were not ripe for review.

4. *Biery v. U.S.*
818 F.3d 704 (Fed. Cir. 2016), cert. denied, 137 S. Ct. 389 (2016).

In 2007, thirteen Kansas landowners brought suit in the Court of Federal Claims against the United States. Plaintiffs alleged that the government had taken their land without just compensation in violation of the Fifth Amendment after the conversion of a rail corridor to a trail under the National Trail Systems Act, 16 U.S.C. § 1247(d). The cases were consolidated the following year. The United States Court of Federal Claims granted summary judgment for government as to claims of nine landowners. Those landowners appealed. The Court of Appeals, affirmed in part, reversed in part, and remanded. On remand, the United States Court of Federal Claims awarded attorney fees and costs. Plaintiffs' counsel appealed.

The Court of Appeals for the Federal Circuit held that (1) The Court of Federal Claims did not abuse its discretion when it reduced hours and costs by 30% in order to take into account work done on behalf of unsuccessful plaintiffs; (2) The Court of Federal Claims did not abuse its discretion in its determination that the Adjusted *Laffey* Matrix[3] provided reasonable rate for lodestar calculation; (3) "no-interest rule" applied to require use of historical rates; and (4) The Court of Federal Claims did not abuse its discretion in its determination of appropriate hourly rate for St. Louis legal market by applying rates based on four district court cases from Eastern District of Missouri.

[3] In *Laffey v. Northwest Airlines, Inc.*, the District Court for the District of Columbia set out a matrix of reasonable rates for attorneys in the Washington, D.C. metropolitan area who were engaged in complex federal litigation at that time. 572 F. Supp. 354, 371-72 (D.D.C. 1983). This matrix of fees has become known as the "*Laffey* Matrix" and its use has been expressly endorsed by the Court of Appeals for the D.C. Circuit as a "useful starting point" for computing attorney fees. Because the matrix proposed by *Laffey* was based on prevailing market rates for a single point in time, courts have found it necessary to determine similar matrices for other years using the *Laffey* rates as a starting point. To this end, two competing approaches have been applied by district courts and the Court of Federal Claims. The first approach is for courts to use the Adjusted *Laffey* Matrix which is maintained by the United States Attorney's Office. This is the approach referred to in *Biery v. U.S.*

7. *Haggart v. Woodley*
809 F.3d 1336 (Fed. Cir. 2016), cert. denied, 136 S. Ct. 2509, 195 L. Ed. 2d 840 (2016).

Landowners from King County, Washington filed a rails-to-trails class action against the United States, claiming that National Trails System Act ("NTSA") provision authorizing "railbanking" as alternative to abandonment of railroad right-of-way that would be operated as recreational trail, effected Fifth Amendment taking of landowners' reversionary rights to property underlying railroad right-of-way.

The United States Court of Federal Claims approved the settlement agreement wherein the parties settled on a statutory attorney fees figure of $2,580,000, consisting of $1,920,000 in fees and $660,000 in costs. Class members received notice regarding the likely terms of the settlement in September 2013, and many consented to them at that time. The Claims Court also awarded attorney fees to class counsel under common fund doctrine. Some did not consent and those objectors appealed.

The United States Court of Appeals for the Federal Circuit held that the claims court erred in approving a settlement agreement under Fed. R. Civ. P. 23(e)(2) because (1) class counsel withheld critical information about the calculation of the individual compensation amounts that was not provided in the mailed notice to class members but which had been produced and was readily available; (2) the government had standing to challenge the claims court's award of attorney fees under the common fund doctrine; (3) the common fund doctrine was applicable to U.S. Ct. Fed. Cl. R. 23 class actions, and the class action settlement created a common fund; (4) because the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.S. § 4654(c), provided a reasonable fee, it foreclosed application of the common fund doctrine.

E. Missouri Department of Transportation Projects

The Missouri Department of Transportation ("MoDOT") exercised eminent domain in 2016 to acquire 309 parcels of real property for projects in its Statewide Transportation Improvement Program. Of those 309 parcels, 308 parcels were acquired through negotiation with the land owner and only 1 parcel was acquired through condemnation.

At the conclusion of an acquisition, MoDOT provides each property owner with a survey asking each to rate MoDOT's performance on a scale of 1 to 5 in regards to the acquisition, with a 1 rating indicating complete dissatisfaction and a 5 rating indicating very satisfied. MoDOT reports that its statewide satisfaction rating for FY2016 was 4.63, compared to 4.7 in FY2015, 4.7 in FY2014, 4.8 in FY2013, 4.6 in FY2012, and 4.8 in FY2011.

Conclusion

The taking of private property from individuals and businesses through eminent domain continues to be a controversial practice. In 2016, the Ombudsperson helped ease the burden placed upon many such property owners by providing guidance on the condemnation process. While most property owners subjected to eminent domain would benefit from legal representation, for many property owners, hiring an attorney to represent their interests in a condemnation proceeding is not within their budget or not worth the cost when the taking is

minimal. For these unrepresented property owners, the Ombudsperson's guidance was most valuable, and the feedback received by such property owners was positive and supportive of the role the Ombudsperson plays in the process.

For questions or concerns about this report, please call James Owen, Acting Public Counsel, at 573-751-5318.

Sincerely,

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