



Missouri Highways and Transportation Commission Policies

Category: HIGHWAYS
Subcategory: Right-of-Way
Sub-Subcategory: Acquisition

Related Statutes: Section 226.240 – 226.270 – Acquisition of lands, mines, quarries, or other properties for road building or road maintenance material.
Section 227.120, RSMo (2004) Commission empowered to exercise right of eminent domain
Chapter 523, (2006) Condemnation Proceedings

***Eminent Domain Reform** – In 2006, the use of eminent domain was widely debated by the legislature as a result of the U.S. Supreme Court decision that allowed the use of eminent domain for economic development purposes. The bill enacted by Missouri's General Assembly contained two provisions that will increase the cost of acquiring property for roadway improvements (only the higher will apply): (1) Homestead taking, which generally pertains to property on which the property owner lives, will require an amount equal to fair market value plus an additional 25 percent; and (2) Heritage taking, which pertains to property that has been in a single family for 50 or more years, will require an amount equal to fair market value plus an additional 50 percent). The bill also increased the timeframe for acquiring property through the condemnation process.*