The path of progress...

Improving our highways often requires us to ask neighboring property owners for help. Sometimes we just need a small piece of property to improve safety for you and the motorists using the adjacent highway. Other times the improvement might need large pieces of property to add lanes or change the road’s path. In any event, it’s our desire to be fair, honest and open in our work with you.

That’s why we’ve put together this booklet. Inside you’ll find information on how we do our job and some useful tips for property owners.

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What’s it worth?

The first step in the process of acquiring property for highway improvements is deciding what it’s worth. This involves several steps in itself. Here are some answers to commonly asked questions about the valuation process.

Who will determine the value of my property? A qualified appraiser will inspect your property. This may be one of our staff appraisers or a contract appraiser. The appraiser will have a set of highway plans and will discuss the acquisition with you.

Will I know when my property will be inspected? Yes. We’ll try to give you as much notice as possible. The appraiser will contact you.
Can I be present during the inspection? Yes. In fact we encourage you or your representative to join the appraiser. Your knowledge of the property will help the appraiser consider things such as building improvements, wells, septic tanks and cisterns. You also can point out any recent remodeling or potential hazards on your property, such as an abandoned well, to the appraiser. We’ll be happy to schedule our visit so you can be present.

Are there any special papers I should have on hand? No and yes. While no special papers are required, there are some that will help in the appraisal process. These may include building blueprints and property surveys. If you’re unable to be present during the inspection or live outside Missouri, feel free to forward information on your property to us at any time. A list of addresses is in the back of this brochure for your convenience.

Will the appraiser give me a dollar figure? No. The on-site inspection is only the first step. The purpose of the on-site inspection is to gather facts about your property. After all the facts are gathered, the completed appraisal is sent to a reviewing appraiser to check for accuracy and consistency.

How will the value of my property be determined? The value will be based on your property’s current market value. This is the amount of money the property would sell for if it were for sale.

What if only part of my property is needed? A determination is first made of the value of your property before it is changed in any way by the highway improvement. Then the value of your property is figured as if the highway improvement were complete. This value will include any physical changes, benefits or damages that might be created. You’ll be offered the difference in the value of your property before the improvement and the value of your remaining property. This may include payment for loss in the value of remaining buildings, improvements and other property rights. This is often referred to as “damage to the remainder.”

How long will it be before I receive an offer? The time will vary based on the complexity of the appraisal data needed to determine the value. An offer will be made to you or your representative as promptly as possible following establishment of the value.

How do we agree? We want to be fair in what we pay you for your property. Here are some questions and answers that will help us work together.

Who will be my contact for the purchase of my property? A representative from the department office in your area will work with you throughout the acquisition process. He or she will contact you when an offer for your property has been determined. This person will explain how the department acquires land for highway improvements and how this particular project will affect your property.

Can I designate someone else to work with the department representative? Yes. The department representative will discuss the details of the transaction for your property only with you or your authorized representative.
What if I disagree with the amount offered for my property? The department's valuation process is based on fair market value. The department will not try to buy your property below that value. You may offer additional facts or items that may not have been considered in the appraisal of your property.

Can I remove items from the property? Perhaps. The department may allow owners to retain certain items located on the property being purchased. However, the salvage value of those items will be deducted from the offer.

Will I be responsible for filing any special documents? No. Your department representative will take care of the details and paperwork concerning the settlement for your property. However, it will be necessary for you to provide certain information such as your social security or tax identification number.

Is there help in finding a replacement property? Yes. If you're displaced from your dwelling, business or farm operation, the department will provide relocation assistance.

How soon will I get my money? You can expect payment in approximately 30 days after the department's local office receives the executed deed of conveyance and all documents required for a clear title. Payment for your property will be made to you or placed in an escrow account for distribution.

How long will I be given to move? You'll be given a minimum of 90 days in advance of the date required to surrender possession of your property to the department.

Who is responsible for real estate taxes? The department will reimburse you on a pro rata portion of the state, county and city real estate taxes paid for the current tax year on property purchased by the department. The pro rata portion of the taxes will cover the full number of months remaining in the calendar year after payment for real property. Delinquent tax payments are not reimbursable. You will be provided with a reimbursement claim form.

What about penalties from my mortgage company? The department will reimburse you for actual penalty costs for prepayment of a preexisting mortgage. This mortgage must have
What if we don’t agree?

If the property owner and the department cannot agree on the amount of money to be paid for property to be acquired, the department may suggest mediation. Mediation is a process of structured discussion, between the department and the property owner, that may lead to an agreement on a price. If agreement cannot be reached through mediation, the price will be determined by the courts through the process of eminent domain.

What is mediation? Mediation is a process in which a neutral and impartial third party helps people reach an acceptable settlement. Mediation is voluntary, informal and non-binding. Mediation may be stopped at any time by either party involved. The mediator does not act as a judge and will not render a judgment or ruling as to the merit of the parties’ positions. Nor will the person conducting the mediation advise the parties of their rights under the law.

What will happen during mediation? The mediator will ask each party to present his or her case regarding the value of the property being acquired. The mediator will make suggestions regarding a settlement through structured discussions in a joint session with both parties or separate conversations with each party.

The mediator, who is neutral, will privately ask the property owner to declare the minimum amount of money that is acceptable for the property. The mediator will privately ask the department to declare the maximum amount of money it is willing to pay for the property. The mediator will not divulge the minimum or maximum amount of money involved unless authorized to do so by the parties. The mediator will discuss each party’s issues or concerns with the other party in an attempt to bring about an agreement that is considered fair by both parties.

Will I need a lawyer for mediation? No, you do not need to be represented by an attorney during mediation. MoDOT will not have an attorney present unless you choose to have one. However, keep in mind the mediator will not offer legal advice to either party. You may have anyone present during mediation that you choose and may also talk with anyone by telephone. It is important and necessary that you have total authority to agree to a settlement during mediation.

Do I have to agree to a settlement during mediation? No. If an agreement cannot be reached during mediation, the department will proceed...
with eminent domain, in which the courts set the compensation amount.

**How will I be notified as to when mediation will take place?** If you agree to mediation, the department will contact you to confirm you want to reach a settlement by mediation. You will be given ample notice of the time and location of the mediation.

**How long will the mediation session last?** Mediation usually lasts about 2 to 3 hours; however, as previously mentioned, either party may stop the mediation at any time. If progress is being made toward reaching an agreement, the mediation can continue for a period acceptable to both parties.

When it is not possible for us to agree on a fair amount for your property, the department will use another process to determine the price to be paid. Eminent Domain brings in the judicial system to set the just compensation of the property. Eminent Domain is a right provided under the law to ensure fair treatment for the property owners and the department.

**Who starts the process?** The Missouri Highway and Transportation Commission will file a condemnation petition in the circuit court of the county where the property is located. This petition will set out the land and/or rights to be acquired and all parties who own an interest in it.

**How will I be notified?** After the circuit judge sets a date for hearing the petition, you’ll receive a summons to attend the hearing.

**What will happen at the hearing?** The judge will review the department’s condemnation petition. If the judge finds the petition to be proper, he or she will appoint three commissioners. These persons must own land and reside in the same county and cannot have any special interest in the property or highway project. The commissioners will view the property and establish just compensation.

**Does the department have to pay the amount established by the commissioners?** Yes. After the commissioners file their report with the court, the Missouri Highway and Transportation Commission must deposit that amount with the circuit clerk before taking possession of the property. However, within a 30 day period, either side may file exceptions to the commissioners’ award and request a jury trial to determine the matter. These trials can either increase or decrease the amount determined by the commissioners.

**When can the money be withdrawn from the court?** Subject to the requirements of the circuit court, you can withdraw money at any time regardless of whether or not exceptions are filed. However, if exceptions are filed and the jury trial establishes a smaller amount, you must refund the difference plus interest on the refunded amount.

**What if the jury trial results in a higher price?** The department will pay you the difference plus interest on the increased amount.

**Do I need a lawyer?** You are not required to have an attorney represent you at the hearing for the appointment of commissioners. However, you can if you so desire. If exceptions are filed by either you or the department, you will probably want to contact an attorney.
How can I get more information?

We hope we’ve answered some of your questions in this brochure. If you’d like more details on our land acquisition process, we’re here to help. Our staff of courteous professionals is eager to work with you.

Northwest Area
P.O. Box 287
3602 North Belt Highway
St. Joseph 64502
(816) 387-2350

Counties: Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, Dekalb, Gentry, Harrison, Holt, Nodaway and Worth

North Central Area
P.O. Box 8
Route 63
Macon 63552
(660) 385-3176

Counties: Adair, Carroll, Chariton, Grundy, Howard, Linn, Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler and Sullivan

Northeast Area
P.O. Box 1067
Highway 61 South
Hannibal 63401
(573) 248-2490

Counties: Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby and Warren

Kansas City Area
5117 East 31st Street
Kansas City 64126
(816) 889-3350

Counties: Cass, Clay, Henry, Jackson, Johnson, Lafayette, Platte and Ray

Central Area
P.O. Box 718
1511 Missouri Boulevard
Jefferson City 65102
(573) 751-3322

Counties: Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage and Pettis

St. Louis Area
1590 Woodlake Drive
Chesterfield 63017-5712
(314) 340-4100

Counties: Franklin, Jefferson, St. Charles, St. Louis and St. Louis city

Southwest Area
P.O. Box 1445
3901 East 32nd Street
Joplin 64802
(417) 629-3300

Counties: Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon

Springfield Area
P.O. Box 868
3025 East Keamey Street
Springfield 65801
(417) 895-7600

Counties: Christian, Dallas, Douglas, Greene, Hickory, Loladle, Ozark, Polk, Stone, Taney, Webster and Wright

South Central Area
P.O. Box 220
910 Springfield Road
Willow Springs 65793
(417) 469-3134

Counties: Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas and Washington

Southeast Area
P.O. Box 160
2675 North Main
Sikeston 63801
(573) 472-5333

Counties: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, St. Francois, Ste. Genevieve, Scott, Stoddard and Wayne

Main Office
P.O. Box 270
3411A Knipp Drive
Jefferson City 65102
(573) 751-3724