

SECOND REGULAR SESSION

# HOUSE BILL NO. 1175

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HICKEY.

Pre-filed December 10, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3065L.011

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## AN ACT

To repeal section 305.200, RSMo, and to enact in lieu thereof one new section relating to the acquisition of property for airports.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 305.200, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 305.200, to read as follows:

305.200. 1. Any county, city or city under special charter shall have the power to acquire by purchase, property for an airport or landing field or addition thereto, and if unable to agree with the owners on the terms thereof, may acquire such property by condemnation in the manner provided by law under which such county or city is authorized to acquire real property for public purposes, or if there be no such law, then in the same manner as is now provided by law for the condemnation of property by any railroad corporation. **If any property previously or subsequently acquired by any county, city, or city under special charter for use as an airport or landing field shall not have been used for an airport or landing field within ten years after the acquisition of that property for such purpose, then upon the expiration of ten years after the acquisition, or upon the enactment of this statute if such ten-year period has already expired, title to such property shall vest in the municipality in which such property is located, or in the county in which such property is located if such property is in an unincorporated area. The county or city acquiring title to such property pursuant to this section may confirm its title to such property by bringing an action to quiet title in the circuit court of the county in which such property is located, and shall join as a respondent in such action the owner of record of such property.**

2. The term "property" as used in this section shall mean and include any real and personal property whether privately or publicly owned or any easement or use therein, including,

19 but not by way of limitation, property owned by school districts, water districts, fire districts,  
20 road districts, sewer districts, drainage districts, levee districts, railroads, and property both real  
21 and personal owned by any other corporation and shall include churches, graveyards, graveyard  
22 associations, parks, private roads, bridges, culverts, pipelines, waterlines, water reservoirs or  
23 storage tanks, canals, ditches, and levees, railroads or other rights-of-way, streetcar or traction  
24 lines and tracks, telegraph, telephone and power lines, poles and conduits and including state  
25 roads or roads under the jurisdiction of the state highways and transportation commission.

26         3. The purchase price or the award of compensation or damages for the taking of any real  
27 or personal property or any easement or use therein acquired for an airport or a landing field or  
28 any addition thereto may be paid for wholly or in part from the proceeds of the sale of bonds of  
29 such county, city or city under special charter as the governmental or legislative body of such  
30 county, city or city under special charter shall determine, subject, however, to the adoption of a  
31 proposition therefor at any election to be held in such county, city or city under special charter  
32 for such purpose; also to permit said municipality or municipalities mentioned in this section to  
33 issue revenue bonds for said above mentioned purpose on authority of the governing body of said  
34 municipality; provided, that no airport or landing field shall be established or located in any  
35 county, city or city under special charter in violation of any plan or master airport plan or zoning  
36 regulation restricting the location of an airport or landing field adopted by the planning  
37 commission of any such county, city or city under special charter.

38         **4. If any property previously or subsequently acquired by any county, city, or city**  
39 **under special charter for purposes of airport noise mitigation pursuant to any federal or**  
40 **state program of airport noise mitigation is still owned by such city or county five years**  
41 **after the acquisition for such purpose, then upon the expiration of five years after the**  
42 **acquisition, or upon the enactment of this statute if such five-year period shall have already**  
43 **expired, title to such property shall vest in the municipality in which such property is**  
44 **located, or in the county in which such property is located if such property is in an**  
45 **unincorporated area. Title to such property shall remain subject to any Federal Aviation**  
46 **Administration required air rights or air easements encumbering the property. Such**  
47 **property may thereafter be zoned and used only for purposes compatible with Federal**  
48 **Aviation Administration airport noise mitigation regulations if such property remains**  
49 **subject to Federal Aviation Administration noise mitigation regulations. The city or**  
50 **county acquiring title to such property may confirm its title to such property by bringing**  
51 **an action to quiet title in the circuit court of the county in which such property is located,**  
52 **and shall join as a respondent in such action the owner of record of such property.**