

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1135
94TH GENERAL ASSEMBLY

Reported from the Committee on Local Government April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 1135 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5140L.02C

AN ACT

To repeal section 88.917, RSMo, and to enact in lieu thereof one new section relating to street grading in cities.

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

Section A. Section 88.917, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 88.917, to read as follows:

88.917. Every city now having or which may at any time hereafter have a population of three hundred thousand inhabitants or over shall have at all times the power to establish the grade and change the grade already established, of any street, alley, avenue, public highway or public place, or any part thereof, as often as it may be deemed best for the public interest, and to cause the same or any part thereof to be graded to the established grade or to any change thereof[;] . Provided, however, that when a change is proposed to be made in the grade of any street, alley, avenue, public highway or public place, or any part thereof, which has once been established, the [two houses of legislation of such] city shall by [resolution] **ordinance** declare the work of improvement to be necessary, and cause such [resolution] **ordinance**, or the substance thereof, to be published in the newspaper doing the city printing, for ten days, Sundays included[; and] . Unless the resident owners of the city who shall own the majority in front feet of all the lands belonging to such residents fronting on the street, alley, avenue, public highway, public place, or part thereof to be improved, [shall,] within thirty days after the first day of the publication of such [resolution] **ordinance**, file with the city register their remonstrance against the proposed

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 change, then the [two houses of legislation of such city shall have power by] ordinance to cause
16 the proposed change to be made[;] **shall become effective.** Provided further, however, that when
17 the charter of any such city shall require that such [resolution or] ordinance shall, before being
18 passed, be recommended by a board of public improvements, or other authority of such city, then
19 the same shall, before being passed, be recommended as therein required. If the remonstrance
20 of the resident property owners above mentioned shall be filed with the city register, as herein
21 provided, the [power of the two houses of legislation] **ordinance** to make the proposed change
22 in the grade of such street, alley, avenue, public highway or public place, or any part thereof,
23 shall [cease] **not become effective** until a sufficient number of the persons so remonstrating or
24 their grantees shall, in writing, withdraw their names or the property represented by them from
25 such remonstrance, so that said remonstrance shall cease to represent a majority of the resident
26 owners as above provided[, when the two houses of legislation may again proceed in the manner
27 above mentioned].

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