

State of Missouri
Office of Ombudsman for Property Rights

2025 Annual Report



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I. Introduction

The United States Constitution's Takings Clause states, "nor shall private property be taken for public use, without just compensation."¹ The Missouri Constitution expands this protection to damaged property, stating "[t]hat private property shall not be taken or damaged for public use without just compensation."² Condemnation of private property using the power of eminent domain must be for a public use and it requires just compensation to the property owner.

Following the Supreme Court of the United States' decision in *Kelo v. City of New London*³ the Missouri General Assembly passed House Bill 1944 (2006), which provided additional protections for landowners and created the Ombudsman for Property Rights (the "Ombudsman").

The Ombudsman assists Missouri citizens "by providing guidance, which shall not constitute legal advice, to individuals seeking information regarding the condemnation process and procedures."⁴ The Ombudsman also documents the use of eminent domain in Missouri along with any issues associated with its use and submits that information in an annual report to the General Assembly.⁵

II. Eminent Domain in Missouri During 2025

Though the Ombudsman is not aware of any large notable changes to eminent domain in Missouri that took place in 2025, based on the calls received by the Ombudsman entities clearly continue to utilize it across the State. Several updates about the Grain Belt Express transmission line, the project perhaps most known for its ability to use eminent domain authority, also occurred throughout this year. Similarly, one of the projects highlighted in the 2022 Ombudsman Report resulted in a court decision in September 2025. Each of these is discussed in greater detail below.

Further, the Ombudsman's discussions with landowners continue to show that landowners are frustrated with the eminent domain process, with many feeling that the process is unfairly designed to benefit the condemnor to the detriment of landowners. One of the main problems landowners experience is the lack of legal counsel. This often arises from the inability to find counsel or the concern that the likely amount of just compensation awarded as a result of the taking will exceed the cost to retain counsel. Though the Ombudsman provides what guidance it is able to, the statutory prohibition against providing legal advice means that many landowners do not receive the specific advice they request.⁶ This issue and possible legislative solutions are discussed in the conclusion of this Report.

¹ U.S. Const. amend. V.

² Mo. Const. art. I, § 26.

³ 545 U.S. 469 (2005).

⁴ § 523.277 RSMo.

⁵ *Id.*

⁶ *See id.*

A. Legislation Related to the Use of Eminent Domain

The Ombudsman is aware of no changes to the laws governing the use of eminent domain in 2025.

B. Update on the Grain Belt Express Transmission Line

Perhaps one of the most notable projects in Missouri that may use eminent domain is the electric transmission line known as the “Grain Belt Express” or “Grain Belt.” The Public Service Commission of the State of Missouri (“Commission”) issued Grain Belt Clean Line LLC (“GBCL”) a Certificate of Convenience and Necessity (“CCN”) to construct the Grain Belt Express transmission line in 2019.⁷ Then, on October 12, 2023, the Commission granted Grain Belt Express LLC’s⁸ (“GBE LLC”) request to amend that CCN.⁹

Below is a short description of the original Grain Belt Express project, a description of the amended CCN, and discussion of the 2024 and 2025 events that impact the Grain Belt Express.

1. GBCL’s Original Certificate of Convenience and Necessity

On March 20, 2019, following a remand from the Supreme Court of the State of Missouri, the Commission issued an Order granting GBCL’s application for a CCN to build the Grain Belt Express transmission line.¹⁰ This CCN included an approximately 780-mile, overhead, multi-terminal +600 kilovolt high-voltage, direct current transmission line and associated facilities.¹¹ The project was to span across Kansas, Missouri, Illinois, and Indiana, including approximately 206 miles in Missouri.¹² Originally, the Grain Belt Express line would deliver approximately 500 megawatts of electricity to Missouri.¹³ The original route of the Grain Belt Express line is shown below:

⁷ Comm’n Report & Order on Remand, Comm’n Case No. EA-2016-0358, Docket Item 758.

⁸ On May 27, 2020, Grain Belt Express Clean Line LLC notified the Commission that it had changed its name to Grain Belt Express LLC. Letter at 1, Comm’n Case No. EN-2020-0385, Docket Item 1. On June 9, 2020, the Commission recognized the name change. Comm’n Ord. Recognizing Name Change at 2, Comm’n Case No. EN-2020-0385, Docket Item 5.

⁹ Comm’n Report & Order at 70-76, Comm’n Case No. EA-2023-0017, Docket Item 287.

¹⁰ *See generally* Comm’n Report & Order on Remand, Comm’n Case No. EA-2016-0358, Docket Item 758.

¹¹ *Id.* at 9.

¹² *Id.*

¹³ *Id.*



Original Grain Belt Express Proposed Route. Thomas F. Shiflett Direct Testimony, Schedule 4 “Construction Plan for the Grain Belt Express Clean Line” at 70, Comm’n Case No. EA-2016-0358, Docket Item 10.

Notably for purposes of this Report, the Commission in its March 20, 2019 Report and Order concluded that “Grain Belt’s Project will serve the public use, and [GBCL] qualifies as a public utility.”¹⁴ This finding allowed GBCL to utilize the power of eminent domain to acquire involuntary easements to construct the Grain Belt Express line.¹⁵

The Commission’s March 20, 2019 Report and Order also included a provision that required GBCL to file an updated application with the Commission “[i]f the design and engineering of the project is materially different from how the Project is presented in [GBCL’s] Application.”¹⁶

2. GBE LLC’s Application to Amend the Certificate of Convenience and Necessity

On October 12, 2023, the Commission granted GBE LLC’s request to amend Grain Belt’s CCN in three ways and imposed several conditions.¹⁷ These amendments included relocating a converter station and increasing its size, relocating an AC connector line (known as the Tiger Connector), and constructing the project in two phases.¹⁸ The Grain Belt Express line’s updated route is shown below:

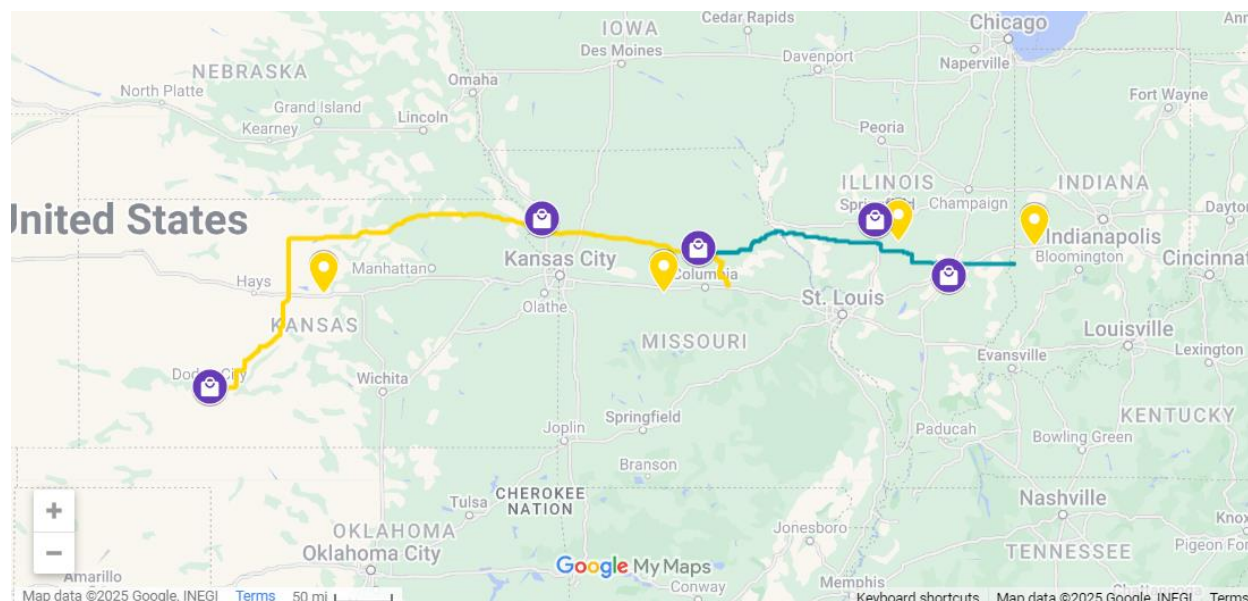
¹⁴ *Id.* at 38.

¹⁵ *See* § 523.010 RSMo.

¹⁶ Comm’n Report & Order on Remand at 52, Comm’n Case No. EA-2016-0358.

¹⁷ Comm’n Report & Order at 70-76, Comm’n Case No. EA-2023-0017, Docket Item 287.

¹⁸ *Id.* at 70.



Updated Grain Belt Express Proposed Route, available at: <https://grainbeltexpress.com/landowners/> (last accessed Jan. 1, 2026).

3. 2024/2025 Updates on the Grain Belt Express

Several updates concerning the Grain Belt Express took place in 2024 and 2025. These updates include decisions from the Missouri Court of Appeals and the Missouri Public Service Commission. The United States Department of Energy also terminated a large federal loan for the project in 2025. The Missouri Attorney General’s Office also took steps to investigate the Grain Belt Express line. In addition to a discussion of each of these updates, this Report also includes an update on the project from its own website.

A. Missouri Court of Appeals Update

On October 15, 2024, the Missouri Court of Appeals, Western District issued an opinion effectively stating that Chariton County could not prevent GBE LLC from constructing the Grain Belt Express.¹⁹ As background, though Chariton County had previously given its assent, it later rescinded that assent “until utility status has been approved by the” Commission.²⁰ The Commission later approved utility status for the Grain Belt Express, but Chariton County declined to provide the requested assent.²¹ After a 2023 trial, the trial court concluded that Chariton County was “prohibited from taking any action, adopting any ordinance, resolution, or regulation governing Grain Belt, including taking any action that regulates the construction of overhead transmission lines pursuant to Section 229.100.”²² In its 2024 opinion, the Western District concluded that GBE LLC must obtain assent from Chariton County and affirmed the trial court’s

¹⁹ *Grain Belt Express, L.L.C. v. Chariton Cnty., Mo.*, 703 S.W.3d 642, 650 (Mo. Ct. App. Oct. 15, 2024).

²⁰ *Id.* at 644.

²¹ *Id.* at 644-45.

²² *Id.* at 645.

decision that Chariton County could take no action, including withholding its assent, “to prevent Grain Belt from constructing the overhead transmission lines on the count[ry]’s public roads per the route approved by the [Commission].”²³ On December 16, 2024, Chariton County requested transfer to the Missouri Supreme Court. On January 28, 2025, the Missouri Supreme Court denied Chariton County’s requested transfer.

On October 29, 2024, the Missouri Court of Appeals, Western District also issued an opinion affirming the Commission’s decision to allow GBE LLC to amend its CCN.²⁴ In that appeal, the Western District considered three points raised by the Missouri Farm Bureau Federation, Missouri Cattlemen’s Association, and the Missouri Soybean Association.²⁵ First, the appellants argued that the Commission’s decision was in error because it relied on GBE LLC’s expert’s testimony surrounding the benefits associated with the Grain Belt Express even though they were not allowed to fully cross-examine the expert.²⁶ This point focused on the expert’s testimony about a carbon tax.²⁷ For similar reasons, they claimed in their second point that the Commission erred in denying their application for rehearing.²⁸ Finally, the appellants argued that the Commission’s findings of fact regarding the number of jobs created by the project was in error as it was contradicted by GBE LLC’s expert’s testimony.²⁹ The Court affirmed the Commission’s decision on all grounds, finding specifically that the regulatory law judge did not err in restricting the scope of cross-examination³⁰ and that the Commission’s finding of fact did not conflict with GBE LLC’s expert’s testimony regarding the number of jobs created.³¹ The Missouri Supreme Court denied the appellants’ motion to transfer on January 28, 2025.³²

B. Missouri Public Service Commission Updates

In 2025, the Missouri Public Service Commission made at least two decisions regarding the Grain Belt Express. The first concerned a Motion to Compel, filed in the Commission’s case file considering GBE LLC’s request to amend its original CCN. The second concerned a complaint brought by a landowner affected by the Grain Belt Express. Each of these decisions is discussed below.

²³ *Id.* at 650.

²⁴ *Mo. Pub. Serv. Comm’n v. Mo. Farm Bureau*, 703 S.W.3d 584, 606 (Mo. Ct. App. 2024).

²⁵ *See generally id.*

²⁶ *Id.* at 591.

²⁷ *See id.* at 602-03.

²⁸ *Id.* at 603.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 606.

³² *Mo. Pub. Serv. Comm’n v. Mo. Farm Bureau*, 2025 Mo. LEXIS 11 (Mo. Jan. 28, 2025).

1. Request for Amendment to CCN: Motion to Compel

On November 25, 2025, the Missouri Landowners Alliance (MLA) and the Eastern Missouri Landowners Alliance (EMLA) filed a motion requesting that the Commission compel GBE LLC to answer data requests concerning the extent of construction work done on the Grain Belt line over the past two (2) years.³³ The filing parties stated that the Commission's Order granting the CCN was issued pursuant to § 393.170.1 RSMo., which requires that "unless Grain Belt exercises the authority conferred by the CCN within two years, the CCN becomes null and void."³⁴ The filing parties interpreted the two-year deadline to expire on November 12, 2025.³⁵

On December 10, 2025, the Commission denied MLA and EMLA's motion.³⁶ In its Order denying the motion, the Commission stated that "[t]his case is not the appropriate forum in which to address Missouri Landowners' alleged concerns."³⁷ The Commission referenced the statutes and rule governing complaints before the Commission.³⁸ The Commission also noted that the case in which the MLA and EMLA filed the motion no longer included any pending actions and that the Commission's Report and Order was final and unappealable.³⁹ As of the date of this report, the Ombudsman is not aware that MLA or EMLA has filed a complaint before the Commission against Grain Belt.

2. Cheri Meadows Complaint

On October 15, 2024, Ms. Cheri Meadows filed a complaint against GBE LLC before the Commission, requesting that the Commission order Grain Belt to move the Tiger Connector off of her property.⁴⁰ The Commission interpreted Ms. Meadows's complaint as alleging violations of its Order approving the Tiger Connector.⁴¹ The Commission also considered Ms. Meadows's safety concerns with the proposed project⁴² and her additional allegations that Grain Belt "prevented her from contacting the Commission regarding the route for the Tiger Connector and deliberately omitted and withheld information regarding the Commission's route approval

³³ MLA & EMLA Motion to Compel Answers to Data Requests, and Conditional Request for Variance or Waiver of Discovery Rules, Comm'n Case No. EA-2023-0017, Docket Item 304.

³⁴ *Id.* at 1-2 (quoting Report & Order 89).

³⁵ *Id.* at 2.

³⁶ Order Denying Motion to Compel, Comm'n Case No. EA-2023-0017, Docket Item 306.

³⁷ *Id.* at 2.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See Complaint, Addendum, Comm'n Case No. EC-2025-0136, Docket Item 1.

⁴¹ Report & Order 20-21, Comm'n Case No. EC-2025-0136, Docket Item 134.

⁴² *Id.* at 21-22.

process.”⁴³ The Commission held a hearing on all of these claims on August 20, 2025. On October 29, 2025, the Commission denied each of Ms. Meadows’s allegations.⁴⁴ The Commission also denied Ms. Meadows’s rehearing request.⁴⁵ As of the date of this Report, Ms. Meadows has not filed an appeal of the Commission’s decision.

C. United States Department of Energy Updates

On December 16, 2024, the Department of Energy announced that it would no longer be considering the Grain Belt Express as a National Interest Electric Transmission Corridor.⁴⁶

Approximately seven months later, on July 23, 2025, the Department of Energy “terminated its conditional commitment for the Grain Belt Express Phase 1 project.”⁴⁷ This amounted to a loss of a loan guarantee of up to \$4.9 billion.⁴⁸ In a news release announcing the termination, the Department of Energy stated that “[a]fter a thorough review of the project’s financials, [Department of Energy] found that the conditions necessary to issue the guarantee are unlikely to be met and it is not critical for the federal government to have a role in supporting this project.”⁴⁹

News reports of the cancellation note that a Grain Belt Express spokesperson stated that “While we are disappointed about the LPO^[50] loan guarantee, a privately financed Grain Belt Express transmission superhighway will advance President Trump’s agenda of American energy and technology dominance while delivering billions of dollars in energy cost savings, strengthening grid reliability and resiliency, and creating thousands of American jobs.”⁵¹ At this time, it is unclear how this loss of funding will affect the project.

⁴³ *Id.* at 22-23.

⁴⁴ *Id.* at 20-24.

⁴⁵ Order Denying Application for Rehearing, Comm’n Case No. EC-2025-0136, Docket Item 137.

⁴⁶ Allison Kite, *Grain Belt Route Removed from Federal Transmission Program—But Project Will Go Forward*, Mo. Independent (Dec. 17, 2024), <https://missouriindependent.com/2024/12/17/grain-belt-route-removed-from-federal-transmission-program-but-project-will-go-forward/> (last accessed Jan. 1, 2026).

⁴⁷ Dep’t of Energy Terminates Taxpayer-Funded Financial Assistance for Grain Belt Express, U.S. Dep’t of Energy, available at <https://www.energy.gov/articles/departments-energy-terminates-taxpayer-funded-financial-assistance-grain-belt-express> (last accessed Jan. 1, 2026).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The Ombudsman believes GBE LLC refers to the U.S. Department of Energy Loan Programs Office.

⁵¹ Kate Grumke, *Trump Administration Kills \$5B Loan for Grain Belt Express*, St. Louis Pub. Radio (July 23, 2025, updated July 24, 2025), <https://www.stlpr.org/health-science-environment/2025-07-23/trump-administration-cancels-5b-loan-grain-belt-express> (last accessed Jan. 1, 2026); see also Jason Hancock, *Feds Cancel \$4.9 Billion Loan for Grain Belt Express Transmission Line Project*, Mo. Independent (July 23, 2025), <https://missouriindependent.com/briefs/feds-cancel-4-9-billion-loan-for-grain-belt-express-transmission-line-project/> (last accessed Jan. 1, 2026).

D. Missouri Attorney General's Office Updates

Also in 2025, then Missouri Attorney General Andrew Bailey issued both a Civil Investigative Demand ("CID") to GBE LLC itself and a letter to the Chair of the Commission Kayla Hahn. Both the CID and the letter are discussed below, a discussion of the events following their issuance is also included.

1. Civil Investigative Demand

On July 2, 2025, then Missouri Attorney General Andrew Bailey issued a CID to Grain Belt.⁵² In a press release announcing the issuance of the CID, Attorney General Bailey stated that he issued the CID "following widespread concerns over misleading claims and a track record of dishonesty surrounding its transmission line project."⁵³ He is also quoted as stating that "Grain Belt Express has repeatedly lied to Missourians about the jobs it would create, the benefits it would deliver, and the land it seeks to take. . . . We will not allow a private corporation to trample property rights and mislead regulators for a bait and switch that serves out-of-state interests instead of Missourians."⁵⁴ The CID "compels [GBE LLC] to produce documents and communications related to its economic claims, promises of job creation, marketing tactics, environmental impacts, landowner outreach, and shifting project goals."⁵⁵ The CID is available for review on the Missouri Attorney General's website.⁵⁶

Grain Belt has filed a Petition to Quash and Set Aside Civil Investigative Demand No. 25-37 in the Circuit Court of Cole County, Missouri.⁵⁷ In its Petition, Grain Belt asserts

The bottom line is that the Attorney General is not engaged in legitimate fact-finding and, instead, has issued the CID for purposes of harassing Grain Belt and interfering with its business in an effort to bring the project to a halt. Because the CID falls outside the scope of the Attorney General's authority under the MMPA, and because the Attorney General has no authority to revisit the PSC's final approval of the project, as affirmed by Missouri courts, the court should quash and set aside the CID.⁵⁸

⁵² Press Release, Missouri Attorney General's Office, Missouri Attorney General Bailey Investigates Grain Belt Express Over History Of Lies And False Promises (July 2, 2025), <https://ago.mo.gov/missouri-attorney-general-bailey-investigates-grain-belt-express-over-history-of-lies-and-false-promises/> (last accessed Jan. 1, 2026).

⁵³ *Id.*

⁵⁴ *Id.* (quoting Attorney General Bailey).

⁵⁵ *Id.*

⁵⁶ The CID is available at: <https://ago.mo.gov/wp-content/uploads/2025-06-27-CID-25-37-Grain-Belt-Express.pdf>.

⁵⁷ *Grain Belt Express LLC v. Mo. Attorney Gen. Andrew Bailey*, Case No. 25AC-CC05679, Petition (Mo. Cir. Ct. Cole Cnty. July 16, 2025).

⁵⁸ *Id.* at 2.

Grain Belt makes several arguments against the CID and ultimately requests that the Cole County Circuit Court “quash and set aside the CID and grant such other and further relief as the court deems just and proper.”⁵⁹

On August 15, 2025, the Missouri Attorney General’s Office filed a Response in Opposition to Motion to Quash.⁶⁰

The Cole County Circuit Court has scheduled a Civil Setting for the case on January 20, 2026, at 9:00 a.m.

2. Letter to the Missouri Public Service Commission

On the same day that he issued the CID, Attorney General Bailey sent a letter to the Chair of the Missouri Public Service Commission Kayla Hahn.⁶¹ In the press release announcing the letter, Attorney General Bailey described it saying he submitted it “to offer the full force of his Office’s support in a reevaluation of [GBE LLC’s] prior approval based on seemingly false assumptions and fraudulent data.”⁶² The press release describes the letter saying that it “urges the Commission to reevaluate the Certificate of Convenience and Necessity previously granted to Grain Belt Express” and “notes that [GBE LLC’s] application relied on speculative and possibly fraudulent assumptions, including the existence of a carbon tax that was never enacted by Missouri or federal law and does not exist.”⁶³

During its discussion of the letter at the July 16, 2025 Agenda meeting, the General Counsel of the Commission confirmed that the Commission does not have the authority to revoke a CCN. Though the Commissioners expressed support for requesting additional information from Grain Belt,⁶⁴ it does not appear that the Commission issued an Order requesting such.⁶⁵ It also does not appear that Grain Belt has provided such information in the official case file.⁶⁶

⁵⁹ *Id.* at 13.

⁶⁰ *Grain Belt Express LLC v. Mo. Attorney Gen. Andrew Bailey*, Case No. 25AC-CC05679, Resp. in Opp’n (Mo. Cir. Ct. Cole Cnty. Aug. 15, 2025).

⁶¹ Press Release, Missouri Attorney General’s Office, Missouri Attorney General Bailey Investigates Grain Belt Express Over History Of Lies And False Promises (July 2, 2025), <https://ago.mo.gov/missouri-attorney-general-bailey-investigates-grain-belt-express-over-history-of-lies-and-false-promises/> (last accessed Jan. 1, 2026).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ See Discussion of Letter from the Mo. Att’y Gen. Office, Mo. Pub. Serv. Comm’n July 16, 2025 Agenda, approximately 1:06-1:16, recording available at <https://psc.mo.gov/VideoDetail.aspx?Id=6887>.

⁶⁵ See Docket Sheet, Comm’n Case No. EA-2023-0017.

⁶⁶ *Id.*

E. General Project Updates from Grain Belt

The website dedicated to the Grain Belt Express asserts that “Phase 1 will be ready to start construction-related activities in 2026, pending regulatory reviews.”⁶⁷ It states that “[v]oluntary easement agreements are complete for a substantial percentage of the Phase 1 approved [high-voltage direct current] route.”⁶⁸ It further states that “[s]urvey and engineering field work is currently underway along certain Phase 1 route segments, with landowners being notified in advance for any expected work on their property.”⁶⁹

When discussing Phase 2 of the project, the website states that “[a] schedule for Phase 2 has not yet been announced but will follow Phase 1.”⁷⁰ It maintains that “[w]e are fully committed to both project phases.”⁷¹

C. Update on the City of Brentwood’s Taking of Properties for the Manchester Corridor Redevelopment Project

In the 2022 Ombudsman Report, the Ombudsman discussed the City of Brentwood’s redevelopment project, which included redevelopment along Manchester Road. This project came to light as the result of several calls to the Ombudsman. News articles at the time reported that eminent domain would not be used on single-family homes,⁷² but business owners feared the use of eminent domain to take their properties.⁷³

On December 12, 2023, a group of businesses filed a Petition for Declaratory and Injunctive Relief in the Circuit Court of St. Louis County seeking declarations that the Brentwood Ordinance adopting the Redevelopment Plan for the Manchester Corridor was enacted in violation of two Missouri laws.⁷⁴ In the Petition, the plaintiffs described the case as “a challenge to a legally insufficient blight designation adopted by Defendant, City of Brentwood.”⁷⁵ The plaintiffs further

⁶⁷ Landowner Updates, Project Status, available at: <https://grainbeltexpress.com/landowners/> (last accessed Jan. 1, 2026).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Alexis Zotos, *\$400 Million Plan Proposes Hotel, Apartments and Restaurants on Manchester in Brentwood*, First Alert 4 (Aug. 10, 2022, 10:38 PM), <https://www.firstalert4.com/2022/08/11/400-million-plan-proposes-hotel-apartments-restaurants-manchester-brentwood/> (last accessed Jan. 1, 2026).

⁷³ Elliott Davis, *Development Plan May Displace Brentwood Businesses*, Fox2Now (Nov. 2, 2022, 8:56 AM), <https://fox2now.com/news/you-paid-for-it/development-plan-may-displace-brentwood-businesses/> (last accessed Jan. 1, 2026).

⁷⁴ *8307 Manchester LLC v. City of Brentwood*, Petition, Case No. 23SL-CC05312 (Dec. 12, 2023).

⁷⁵ *Id.* at 1.

stated that “Brentwood has shifted its focus from any legitimate public purpose associated with mitigating flooding or updating Manchester Road, to the improper interest of economic development, which Brentwood contends would result in an increase to its tax base.”⁷⁶ The business owners maintain that their businesses “are economically stable and have contributed to the local economy for years or decades.”⁷⁷

On September 25, 2025, the St. Louis County Circuit Court issued its Findings of Fact, Conclusions of Law, Order and Judgement.⁷⁸ The court found in favor of the City of Brentwood on both counts.⁷⁹ The court specifically stated that “[t]he City’s blight determination of the Corridor is ‘fairly debatable’ and is based on substantial evidence of blight.”⁸⁰

On November 17, 2025, the business owners filed a Notice of Appeal of the court’s decision in the Missouri Court of Appeals, Eastern District.⁸¹

D. Ombudsman Calls Received from Missouri Landowners

In 2025, approximately fifty-five (55) Missouri landowners contacted the Ombudsman regarding eminent domain activities across the State. This represents a decrease in calls from 2024 (70 calls), and is approximately the same as the number of calls received in 2023 (58 calls).

In 2025, many of these calls arose when an entity began work on a project or when they contacted the property owner to advise him or her of the project. Though the Ombudsman endeavors to provide all individuals with the assistance that they request, given the statutory limitation on the guidance the Ombudsman can provide,⁸² all individuals do not receive the answers they request.

Many of the calls the Ombudsman received this past year pertained to the installation of fiber optic lines on individuals’ properties. Many individuals expressed great frustration as they were not notified of the installation before the companies began working on their properties. Several individuals also mentioned that the fiber installers damaged their property outside of any utility easement that may exist.

⁷⁶ *Id.* at 2.

⁷⁷ *Id.* at 15.

⁷⁸ *8307 Manchester LLC v. City of Brentwood*, Findings of Fact, Conclusions of Law, Order & Judgment, Case No. 23SL-CC05312 (Sept. 25, 2025).

⁷⁹ *Id.* at 23-24.

⁸⁰ *Id.* at 23.

⁸¹ *8307 Manchester, LLC v. City of Brentwood*, Notice of Appeal, Case No. ED114037 (Nov. 17, 2025, amended Dec. 16, 2025).

⁸² See § 523.277 RSMo. (mandating that the Ombudsman “provid[e] guidance, which shall not constitute legal advice, to individuals seeking information regarding the condemnation process and procedures”).

Several callers also expressed frustration about entities providing very low offers for the taking requested. For instance, one individual mentioned that a city requested a temporary easement that would affect over half of her business and the city offered only \$10. Another caller mentioned that a city wanted a drainage easement on a lot he owned and had previously planned to build on. The easement, if granted, would preclude him from building as he had planned. He stated that the city offered him only \$1.

Many callers express frustration with the eminent domain process, stating that they are powerless to fight against the entities that seek to condemn their property. Oftentimes they wonder whether they can make any difference.

III. Conclusion and Suggested Legislative Changes

It is clear that many entities continue to use eminent domain in Missouri. Throughout the years, many Ombudsman callers have expressed great frustration and stated that the eminent domain process is structured in a way that strongly favors the condemning authority and that landowners have little to no ability to contest the exercise of condemnation once an entity decides to take their property. One area of concern is the lack of legal counsel for landowners. Though the Ombudsman provides “guidance . . . regarding the condemnation process and procedures,” by statute the Ombudsman cannot provide legal advice to those individuals.⁸³ In many instances though the amount of likely damages is low enough that hiring an attorney could offset or exceed the amount of damages from the taking.

The lack of legal counsel for landowners remains a concern for condemnations and condemnation hearings, especially where the landowner wants to challenge the condemnation but cannot afford legal counsel.

The Ombudsman suggests that the legislature consider changes that would protect landowners by requiring a condemning authority to

- (1) advise a landowner of his or her rights in condemnation prior to making an offer to acquire the landowner’s property;⁸⁴
- (2) provide all relevant information regarding the project and the requested taking to the landowner and allowing for a cause of action should the condemning authority provide false information;
- (3) provide a cause of action, including but not limited to the reversal of the taking, if the condemning authority falsely claims that it is allowed to take property or an

⁸³ *Id.*

⁸⁴ Notably § 523.250 RSMo. requires a condemnor to provide this information “[a]t least sixty days before filing of a condemnation petition” § 523.250.1 RSMo. However, it is the Ombudsman’s understanding that some individuals do not receive this information until after they have been in negotiations regarding the appropriate price to acquire their property. To ensure that all landowners understand their rights prior to engaging in negotiations to sell their property or an easement on their property, the Ombudsman suggests that the legislature consider a change that would require a condemning authority to provide this information prior to their initial offer to the landowner.

interest in the property without providing the landowner with just compensation or if the condemning authority uses intimidation to procure property or an interest in the property; and

- (4) make an affirmative showing of public use and necessity that the landowner could dispute prior to the circuit court entering an order of condemnation.⁸⁵

For questions about this report, please contact Lindsay VanGerpen, Senior Counsel, at (573) 751-5565 or lindsay.vangerpen@opc.mo.gov.

⁸⁵ At this time, it is the Ombudsman's understanding that if a landowner would like to contest the necessity of the proposed taking, he or she "must plead and prove fraud, bad faith, or an arbitrary or unwarranted abuse of discretion of the condemnor in its claim of 'necessity'...." *Missouri Pub. Serv. Comm'n v. H & W Inv. Co.*, 602 S.W.2d 41, 43 (Mo. Ct. App. 1980); see *Mapco, Inc. v. Williams*, 581 S.W.2d 402, 405 (Mo. Ct. App. 1979). The landowner may make these allegations in either a motion to dismiss or an answer asserting affirmative defenses in the Circuit Court. Either or both filings should likely be filed within thirty days of receiving service of the condemnation petition. See Mo. R. Civ. P. 55.27, 55.25.

This standard puts the burden on the landowner to not only know that this filing is required, but also to gather the information and evidence necessary to make these showings. Where many landowners cannot afford legal representation or the value of the condemnation does not justify the cost of representation, this burden is quite high.