PUBLIC NOTICES
"BECAUSE THE PEOPLE MUST KNOW"

• Continued from Page 5D

Public Notice

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI
Judge Lamke, Division II
SHO-ME POWER ELECTRIC COOPERATIVE
Plaintiff
vs.
Carl S. Shirley, Trustee, Under the Indenture of Trust of Carl S. Shirley, Dated February 5, 1998

Nancy Joyce Pillsbury, Trustee, under the Indenture of Trust of Nancy Joyce Pillsbury Dated June 17, 1994

John Champion and Norma Champion, Husband and wife

Linda Emmons, Collector of Revenue, Franklin County, Mo., Defendants

Case No. 11AB-CC00035

NOTICE UPON ORDER FOR SERVICE BY PUBLICATION

The State of Missouri to: Heirs, Grantees, Successors, Assignees, Lessees, Devisees, or husband or wife of persons now known to be record title holders of the properties in this condemnation petition.

You are hereby notified that an action has been commenced against you in the Circuit Court of Franklin County, Missouri, the object and general nature of which is Condemnation and which affects the property which is generally described below and which is further described in the Condemnation Petition and Exhibits to the Condemnation Petition which are on file at office of the Circuit Clerk of Franklin County:

Tract No. 1

An easement strip for an electric transmission line, being a strip of land one hundred feet in width lying 50 feet on each side of a centerline, approximately 8.67 acres, more or less, across a parcel of land described as:

PART OF THE EAST HALF (E/2) OF SECTION ONE (1), TOWNSHIP FORTY (40) NORTH, RANGE ONE (1) WEST (ALSO REFERRED TO HEREIN AS THE "REAL ESTATE"), AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1 AND EXHIBIT 3.

The owners of the above parcel of land or in which an interest is claimed are: Carl S. Shirley, Trustee, under the Indenture of Trust of Carl S. Shirley, dated Feb. 5, 1998, and Nancy Joyce Pillsbury, Trustee, under the Indenture of Trust of Nancy Joyce Pillsbury, June 17, 1994, Linda Emmons as Collector of Revenue for Franklin County, Missouri;

Tract No. 2

An easement strip for an electric transmission line, being a strip of land one hundred feet in width lying 50 feet on each side of a centerline, approximately 8.16 acres, more or less, and guying tract approximately .06 acres, more or less, across a parcel of land described as:

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP FORTY (40) NORTH, RANGE ONE (1) WEST (ALSO REFERRED TO HEREIN AS THE "REAL ESTATE"), AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 2 AND EXHIBIT 4.

The owners of the above parcel of land or in which an interest is claimed are: John N. Champion and Norma J. Champion, husband and wife, and Linda Emmons as Collector of Revenue for Franklin County, Missouri.

The names of all parties in this action are stated in the caption above and the name and address of the attorney for the Plaintiff is: Terry M. Evans, 119 East Main, P.O. Box 654, Smithville, MO 64089.

You are further notified that, unless you file an answer or other pleading or otherwise appear and defend against this action at the hearing on the condemnation petition set for 9:00 A.M. on March 30, 2011, at the Courthouse in Union, Missouri, judgment by default will be entered against you.

February 8, 2011.
Bill D. Miller, Clerk

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI
SHO-ME POWER ELECTRIC COOPERATIVE
Plaintiff
vs.
Carl S. Shirley, Trustee, Under the Indenture of Trust of Carl S. Shirley, Dated February 5, 1998
Serve at: 55 Governor Lane St. Louis, MO 63124

Nancy Joyce Pillsbury, Trustee, under the Indenture of Trust of Nancy Joyce Pillsbury Dated June 17, 1994
Serve at: 55 Governor Lane St. Louis, MO 63124

John Champion and Norma Champion, husband and wife
Serve at: 5144 Athlone Ct., High Point, Mo.
Defendants

Linda Emmons, Collector of Revenue, Franklin County, Mo.
Serve at: 400 E. Locust, Room 103, Union, Mo.
Defendants

ORDER FOR FILING PETITION AND SETTING DATE AND PLACE FOR HEARING

Now on this 8th day of February, 2011, comes Plaintiff, by and through its attorneys of record, and presents its Petition in Condemnation, praying condemnation of certain lands, properties, and interests therein, situated in Franklin County, Missouri, for the purpose of construction, operating and maintaining an electric transmission and distribution system, and further praying that three qualified commissioners be appointed to assess the damages, if any, caused by the construction, operation and maintenance of an electric transmission and distribution system either above ground, underground or a combination of both, over and across lands and properties described in Plaintiff's Condemnation Petition. The Petition has been duly considered and found legally sufficient on its face.

IT IS HEREBY ORDERED, that the Petition be received and filed by the Circuit Clerk of Franklin County, Missouri, and that the hearing on the Condemnation Petition be set for the 30th day of March, 2011, at 9:00 o'clock A.M., or as soon thereafter as this case can be reached, at the Courthouse in Union, Missouri.

IT IS FURTHER ORDERED that said Circuit Clerk issue a proper Summons and cause it to be served, together with a copy of said Condemnation Petition upon each of the Defendants named therein at least 10 days before the date set for the hearing and make proper publication of notice for three weeks consecutively before said date notifying the Defendants of the time, when, and the place where the Petition will be heard.

I. I. Lamke, Judge
Circuit Court
Franklin County, Missouri

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI
SHO-ME POWER ELECTIC COOPERATIVE
Plaintiff
vs.
Carl S. Shirley, Trustee, Under the Indenture of Trust of Carl S. Shirley, Dated February 5, 1998
Serve at: 55 Governor Lane St. Louis, MO 63124

Nancy Joyce Pillsbury, Trustee, under the Indenture of Trust of Nancy Joyce Pillsbury Dated June 17, 1994
Serve at: 55 Governor Lane St. Louis, MO 63124
and
John Champion and Norma Champion, husband and wife
Serve at: 5144 Athlone Ct., High Point, Mo.
Defendants
and
Linda Emmons, Collector of Revenue, Franklin County, Mo.
Serve at: 400 E. Locust, Room 103
Union, Mo.
Defendants

CONDEMNATION PETITION

COMES NOW, Petitioner, Sho-Me Power Electric Cooperative, "Sho-Me Power," by and through its attorneys of record and for its Condemnation Petition states as follows:

1. Sho-Me Power is a Missouri corporation and is now and was at all times herein mentioned, a rural electric cooperative corporation duly organized and existing under and by virtue of Chapter 394, Revised Statutes of Missouri, for the selling, supplying and transmitting electric power and energy and as a rural electric cooperative for public use in Missouri.

2. Plaintiff is empowered by law to condemn land, property and rights for public use for constructing and maintaining electric transmissions and/or distribution lines for the transmission and/or distribution of electrical energy under the provisions of Mo. Rev. Stat. 394.080.1(11) and Mo. Rev. Stat. Chapter 523.

3. All named defendants, except Linda Emmons, Collector of Revenue for Franklin County, Missouri, are owners of land in Franklin County, Missouri, or named as spouses of owners. These defendant land owners may be hereinafter referred to as "Landowners."

4. Linda Emmons is Collector of Revenue in Franklin County, Missouri, and, in that capacity, may have an interest in the land of the landowners.

5. Petitioner proposes, and is now prepared to construct, operate and maintain, as a part of its electric transmission system an electric transmission line and/or distribution lines of one more circuits either above ground, underground or a combination of both, including, but not limited to poles, towers, wires, buried cables, guys, brace poles, guy wires, anchors, crossarms, insulators, communications lines, fiber optic lines or systems and other appurtenances and fixtures as may be necessary or proper for the transmission and/or distribution of electrical energy and communication data, all of which are hereinafter referred to herein as, "transmission systems" or "said electric transmission line," on, over, across or under the lands as herein described.

6. Plaintiff seeks an easement interest in the property herein described to place, replace, construct, reconstruct, erect, relocate, modify, change operating voltage, patrol, repair, operate and maintain its transmission systems.

7. Said electric transmission line will extend from Petitioner's Pea Ridge Substation located in Section 5, Township 39 N, Range 1 W, Franklin County, Missouri, in a north/northeasterly direction to its Huff Substation in Section 19 and 30, Township 41 N, Range 1 E, in Franklin County, Missouri, and will cross upon, through and under real estate owned by the defendants, or in which the defendants have or may claim to have an interest, all of the land which is the subject of this Petition being in Franklin County, Missouri.

8. A copy of aerial photography maps of said electric transmission line over, upon, through and under the hereinafter described tracts of land is attached as Exhibits 1 and 2 and incorporated by reference herein.

9. In order to construct said transmission system so as to distribute electric power and energy as planned and as above set forth, and in order to maintain and operate said electric transmission line properly, it is necessary that in respect to the tracts of land hereinafter described petitioner acquire, take, hold, use and enjoy a perpetual easement and right of way by condemnation, over, across, upon, under and through the real estate hereinafter described belonging to the defendants or in which the defendants have or claims to have an interest.

10. The purpose of the transmission system is to serve present and future customers of the Plaintiff, including member distribution cooperatives, and for serving other public utilities.

11. To construct and maintain said transmission system properly, it is necessary that the right of way for which an easement is sought consist of a strip of land 100 feet in width.

12. To construct and maintain said transmission system properly, it is necessary that Petitioner obtain and have the right, privilege and authority to do the following and as more fully set out herein:

a. to ingress and egress said lands to access the right of way,

b. to clear and keep clear of structures and obstructions the tracts and obtain and have the right to move people, machinery, equipment, and materials out of the designated right of way described herein, as necessary,

c. to get around any ponds, or lakes or other obstructions existing or later placed on the right of way,

d. to extend guy wires beyond the easement width.

13. Said right of way across, upon, under and through which an easement is sought in respect to the lands of defendants is an easement 100 feet wide, being 50 feet on each side of a centerline, as shown on the aerial photograph maps and Surveys of Easement Area, Exhibits 3 and 4, which shows the location of the centerline over the land in which the Defendants claim ownership or interest. Exhibits 3 and 4 each consist of two pages are attached hereto and incorporated by reference herein.

14. The easements for the individual parcels are as follows:

Tract No. 1, (also known as MOFR 10):

An easement strip for an electric transmission line, being a strip of land one hundred feet in width lying 50 feet on each side of a centerline, approximately 8.67 acres, more or less, across a parcel of land described as:

PART OF THE EAST HALF (E/2) OF SECTION ONE (1), TOWNSHIP FORTY (40) NORTH, RANGE ONE (1) WEST (ALSO REFERRED TO HEREIN AS THE "REAL ESTATE"), AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 1 AND EXHIBIT 3.

The owners of the above parcel of land or in which an interest is claimed are: Carl S. Shirley, Trustee, under the Indenture of Trust of Carl S. Shirley, dated Feb. 5, 1998, and Nancy Joyce Pillsbury, Trustee, under the Indenture of Trust of Nancy Joyce Pillsbury, June 17, 1994, Linda Emmons as Collector of Revenue for Franklin County, Missouri;

Tract No. 2 (also known as MOFR12).

An easement strip for an electric transmission line, being a strip of land one hundred feet in width lying 50 feet on each side of a centerline, approximately 8.16 acres, more or less, and guying tract approximately .06 acres, more or less, across a parcel of land described as:

PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWELVE (12), TOWNSHIP FORTY (40) NORTH, RANGE ONE (1) WEST (ALSO REFERRED TO HEREIN AS THE "REAL ESTATE"), AS MORE PARTICULARLY DESCRIBED ON EXHIBIT 2 AND EXHIBIT 4.

The owners of the above parcel of land or in which an interest is claimed are: John N. Champion and Norma J. Champion, husband and wife, and Linda Emmons as Collector of Revenue for Franklin County, Missouri.

15. The location of the easements on the lands described herein shall be determined and fixed upon completion of said electric transmission line when and as initially constructed.

16. Plaintiff has more than 60 days prior to filing of this First Amended Condemnation Petition, provided the property owner of record with a written Notice concerning the intended acquisition of the property in accordance with the provision of Section 523.250 R.S.Mo. (VAMS). The notice included:

A. Identification of the interest in real property to be acquired and a statement of the legal description or commonly known location of the property;

B. The purpose or purposes for which the property is to be acquired;

C. A statement that the property owner has the right to:

1. Seek legal counsel at the owner's expense;

2. Make a counteroffer and engage in further negotiations;

3. Obtain such owner's own appraisal of just compensation;

4. Have just compensation determined primarily by court-appointed condemnation Commissioners and, ultimately, by a jury;

5. Seek assistance from the office of the ombudsman for property right created under Section 523.277;

6. Contest the right to condemn in the condemnation proceeding; and

7. Exercise the rights to request vacation of an easement under the procedures and circumstances provided for by the statute.

17. At least thirty days prior to the filing of this condemnation petition, Plaintiff made a written offer to purchase the property described herein to all owners of record, and such offer was held open for a minimum of thirty days. Said offer was deposited in the United States mail, certified or registered, and with postage pre-paid, addressed to the owners of record as listed in the office of the city or county assessor or by other competent evidence.

18. At the time the offer referenced in Paragraph 16 was made, Petitioner provided the property owners with an appraisal for Petitioner's determination of the value of the property for purpose of the offer.

19. The appraisal was performed by state-licensed or state-certified appraisers using generally accepted appraisal practices.

20. Petitioner engaged in good faith negotiations with landowners prior to filing of this condemnation petition as required under Mo. Rev. Stat. § 523.256 in that:

(A) It has properly and timely given all notices to owners required by this chapter;

(B) Its offer under Section 523.253 was no lower than the amount reflected in an appraisal performed by a state-licensed or state-certified appraiser for the condemning authority, provided an appraisal is given to the owner pursuant to subsection 2 of Section 523.253 or, in other cases, the offer is no lower than the amount provided in the basis for its determination of the value of the property as provided to the owner under subsection 2 of Section 523.253;

(C) The owner has been given an opportunity to obtain his or her own appraisal from a state-licensed or state-certified appraiser of his or her choice; and

(D) Where applicable, Plaintiff has considered an alternate location suggested by the owner under Section 523.265.

21. Petitioner has in good faith endeavored and attempted to purchase the easement or right of way over, along, across and under the above-described real estate from Landowners. Petitioner and Landowners have been unable to agree on the proper compensation to be paid landowners, as owner of said land, for the easement sought to be acquired and Petitioner has been unable to acquire by contract or deed the described easements rights necessary for its purpose.

22. It will be necessary for Petitioner to also obtain the perpetual easement right, privilege and authority of ingress and egress from the nearest convenient, accessible public, private or other road or access point upon and across the above real estate to the easement, with the right to additionally cross on or over the real estate as necessary to avoid or circumvent obstructions, for the purpose of accessing and utilizing the easement rights and as necessary for the useful enjoyment of the Easement.

23. It will be necessary for Petitioner to also obtain the perpetual easement right, privilege and authority to cut, trim and spray for control of timber, trees, shrubbery, and brush located within the easement tract to the extent necessary to protect the operation and integrity of the transmission systems; to cut down from time to time all dead, weak, leaning or dangerous trees existing on or off the easement that are tall enough to strike the wires or any other component of the system; and to remove all structures, trees, plants or vegetation that might, in the Petitioner's sole judgment, endanger the line or system, provided, however, that nothing herein shall be construed to include growing or harvested field crops.

24. It will be necessary for Petitioner to also obtain the perpetual easement right, privilege and authority to keep the easement clear of all future buildings, structures, grain bins, water impoundments, or obstructions that may interfere with the operation or maintenance of the transmission systems, except where permitted by Petitioner. The landowner shall advise and consult with Petitioner in advance of any change in the grade and/or elevation of the land within the easement as granted herein, so as to allow Petitioner to maintain mandatory clearance requirements.

25. It will be necessary for Petitioner to also obtain the perpetual easement right, privilege and authority to temporarily open fences now existing or hereafter constructed within the right of way or to place and install gates in said fences to permit Petitioner to traverse said right of way for use in ingress and egress to adjacent premises.

26. It will be necessary for Petitioner to also obtain the perpetual easement right, privilege and authority to move materials, vehicles and equipment outside the right of way strip around existing ponds or non-traversable obstacles located in the right of way.

27. It will be necessary for Petitioner to obtain the perpetual easement right, privilege and authority to enter upon the lands described herein for the sole and limited purpose of conducting tests, examinations, habitat assessments, surveys, and all related activities necessary for compliance with requirements of the United States Department of Interior, Fish & Wildlife Service, pertaining to federally listed threatened or endangered species. The rights contained in this paragraph are temporary in nature and shall terminate upon the completion of construction of the electric transmission facilities contemplated by this Right-of-Way Easement.

28. It will be necessary for Petitioner to obtain the perpetual easement right, privilege and authority to license, permit or otherwise agree to the joint use or occupancy of the transmission system by any successor or subsidiary of Petitioner, communication business or any other rural electric cooperative or their successors and subsidiaries and the exercise of any rights of Petitioner contained herein by another party for electrification or communications purposes.

29. It will be necessary for Petitioner to obtain the perpetual easement right, privilege and authority to extend guy wires, anchors or other appurtenances, if any, outside the 100 foot wide right of way.

30. Nothing set forth herein shall be deemed to limit Sho-Me Power's right and ability to upgrade, expand or extend any electric line, cable, fiber optics or other lines, or communication systems, data or information systems of any type in the future on, across and within the easement so as to enable Sho-Me Power to furnish service to others, and within the easement the right to increase or decrease the voltage, size or capacity of the line, number of lines, number of wires/cables, number of poles or structures all as Sho-Me Power may deem reasonably necessary or advisable.

31. Landowners shall not make any use of, nor permit others to make use of said easement strip that would reduce clearance or in any way interfere with the proper and safe operation of said electric transmission or distribution lines by Petitioner as set out by the National Electric Safety Code, or other applicable federal, state or local law, statute, rule, regulation or ordinance.

32. Landowners shall not make any attachments to any lines, poles, or structures of Petitioner.

33. None of the lands or right of way described above will be fenced or enclosed by Petitioner.

34. The use by the owner of the said land on which the right of way is sought will not be obstructed or interfered with except insofar as this may necessarily result from the activities set forth and provided for herein.

35. Petitioner further states that it will repair or at the option of Petitioner, reimburse Landowner the reasonable actual damages as determined by Petitioner, when and if such damages occur to landowner's real property, including growing agricultural crops, (pine trees shall not be construed to constitute a growing agricultural crop) and fences, arising out of the initial construction of, or occasioned by the repair, patrolling, maintenance or change of said transmission systems as herein authorized. Provided further that the term "actual damages" as herein used shall not include damages for the spraying, treating, cutting or trimming of trees otherwise authorized by the terms of this instrument, or the subsequent addition of the facilities herein authorized.

36. All poles, wires and other facilities installed in, upon or under the above-described lands at the expense of Petitioner shall remain the property of the Petitioner, removable at the option of Petitioner.

37. All of the land over which an easement for right of way by condemnation is sought, and which are described herein, lie in Franklin County, Missouri, and all the interest in said land which Petitioner seeks by this proceeding is for public use.

38. The names and addresses of the following defendants are unknown to Plaintiff: Such unknown persons or corporations as may derived or claim their title as husband and wife, grantees, successors, assigns, heirs, lessees or devisees of the persons named in this Petition.

39. Plaintiff hereby applies for an order of publication of notice to the defendants named, described or referred to above in Paragraphs 37 and 38.

WHEREFORE, Petitioner prays that the land, property and rights described herein be and stand condemned for the public use herein set out; that three disinterested freeholders, residents of Franklin County, Missouri, be appointed as commissioners to ascertain, determine and assess the damages and benefits, if any, which the owner of the said tracts of land or interest therein may have or sustain, and the just compensation, if any, to which the owners may be entitled in consequence of the taking of land described herein in accordance with the definitions contained in Section 523.001(1)RSMo; that the Court direct the Commissioners to make such assessment of damages within 45 days of their appointment as Commissioners in accordance with the provisions of Section 523.040 RSMo; to ascertain and determine the parties entitled to the sum awarded as just compensation for such land aforesaid, and upon the payment to the Clerk of the Circuit Court of Franklin County, Missouri, for the use of the parties entitled to the sum adjudged to be just compensation to vest in Petitioner title to an easement to the aforesaid land described in paragraph 14 and Petitioner further prays that the Court cause service to be had upon the defendants herein; and for all other orders, judgments and decrees as the Court may deem just and proper.

ANDERECK, EVANS, WIDGER, JOHNSON & LEWIS, L.L.C.

By Dana L. Kollar MO Bar #43147
dkollar@lawofficemo.com
Col. Darwin Marmaduke House
700 East Capitol Avenue
Jefferson City, Missouri 65102
Telephone: 573-634-3422
Facsimile: 573-634-7822
Terry M. Evans
tevans@lawofficemo.com
119 East Main
P.O. Box 654
Smithville, MO 64089
Telephone: 816-532-3895
Facsmile: 816-532-3466
ATTORNEYS FOR PETITIONER SHO-ME POWER ELECTRIC COOPERATIVE

The undersigned, Dana L. Kollar, being duly sworn, on her oath states that she is an attorney working for Sho-Me Power Electric Cooperative, Petitioner herein, and she is authorized to make affidavits on its behalf, and that the facts stated in the Petition appearing above are true and correct to the best of her knowledge and belief.

Dana L. Kollar

Publish in the Weekend Missourian February 19-20, 26-27 and March 5-6, 2011.

Notice to Bidders

ADVERTISEMENT FOR BIDS

Sealed bids will be received by the School District of Washington, 220 Locust Street, Washington, MO 63090, until **2:00 p.m. CST, on Wednesday, March 9, 2011,** for the HVAC and Fire Alarm Upgrade at Labadie and Marthasville Elementary Schools. Bids will be opened publicly at that time.

Drawings and specifications for this project are on file at the office of the Architect, Hoener Associates, Inc., 6707 Plainview Avenue, St. Louis, MO 63109, (314) 781-9855, FAX (314) 781-0163.

Information as to bidding instructions and requirements for procuring bidding documents may be obtained from the Architect.

Not less than the prevailing hourly wage rates, as determined by the State of Missouri, Division of Labor Standards, shall be paid all workers employed on this project.

The Board of Education reserves the right to waive technicalities, to select any contractor filing a proposal, and to reject any or all bids.

By: Dr. Brendan Mahon
Assistant Superintendent

Publish in The Missourian February 16 and 23 and the Weekend Missourian February 19-20 and 26-27, 2011.

• Continued on Page 7D