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About Help & FAQ Other Links & Information ↓

Words ▾

1st search term

And ▾

2nd search term



245.010. Definitions. — 1. The term "**levee districts**" as used in sections [245.010](#) to [245.280](#), and all other terms or provisions of law contained in sections [245.010](#) to [245.280](#), which have heretofore been interpreted, as apply to said levee districts, shall be construed to include, authorize, provide for and be made applicable to all districts now organized or which may hereafter be organized for the purpose of establishing, constructing or causing to be constructed, levees, dikes, bank protections, current control or other protection or reclamation improvements contiguous or adjacent to or situate near any body of swamp, wet or overflowed land, or other property in the nature of individual or corporate franchises in this state, or land subject to overflow or inundation in or adjacent to any river or stream wholly within or bordering on the state of Missouri, property or land abutting, or situate near, which may be endangered or liable to be endangered through wash or bank erosion; provided, that whenever the proposed district is intended to include or does include lots, tracts, parcels or other subdivisions of land included in any third or fourth class city, town or village of this state, or in any city in this state under fifty thousand population operating under a special charter, the words "**acre**", "**acreage**" or "**subdivision of land**" as now used in sections [245.010](#) to [245.280](#), shall be held and construed to include and be used interchangeably with the words "area", "lot", "tract" or "parcel of land", so that a lot or other subdivision of land within such cities shall correspond to the word "acre" as used in sections [245.010](#) to [245.280](#), when the levee district is organized in a rural area.

2. The word "**owner**" as used in sections [245.010](#) to [245.280](#) shall mean the owner of the freehold estate, as appears by the deed record, and it shall not include reversioners, remaindermen, trustees, or mortgagees, who shall not be counted and need not be notified by publication, or served by process, but shall be represented by the present owners of the freehold estate in any proceeding under sections [245.010](#) to [245.280](#).

(RSMo 1939 §§ 12493, 12531, A.L. 1974 V. II p. 226, A.L. 1965 p. 381, A.L. 1978 H.B. 1634)

Prior revisions: 1929 §§ 10903, 10941; 1919 § 4635

Effective 1-2-79

1/2/1979

245.015. Owners may form levee district, where — articles of incorporation to be filed in circuit court. — 1. The owners of a majority of the acreage in any contiguous body of swamp, wet or overflowed land or other property in the nature of individual or corporate franchises in this state, or land subject to overflow, wash or bank erosion, located in one or more counties or in any city, town, or village in this state not located within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, or in any city, town, or village of the third or fourth classification in this state which is located within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, may form a levee district for the purpose of having such land and other property reclaimed and protected from the effects of overflow and other water, for sanitary or agricultural purposes, or from the effect of wash or bank erosion, or when the same may be conducive to the public health, convenience or welfare, or of public utility or benefit, by levee, or otherwise, and for that purpose they may make and sign articles of association in which shall be stated: the name of the district, and the number of years the same is to continue; the boundary lines of the proposed levee district; the names as listed on the county assessor's records of the owners of land or other individual or corporate franchise property in such district, together with a plat of the district showing the lands to be covered in the district; such articles shall further state that the owners of real estate and other such property within the district whose names are subscribed to such articles are willing to and do obligate themselves to pay the tax or taxes which may be assessed against their respective lands or other property to pay the expense of organizing, and of making and maintaining the improvements that may be necessary to effect the reclamation or protection of such lands or other such property, so formed into a levee district, and to reclaim and to protect the same from the effects of overflow and other water, or from bank erosion or wash, and the articles of association shall contain a petition praying that the lands and other property described therein be declared a levee district under the provisions of this law. After the articles of association and petition have been so signed the same shall be filed in the office of the circuit clerk of the county in which such lands and other property are located; or, if such lands and other property be composed of tracts or parcels located in two or more different counties then in the office of the clerk of the circuit court of the county in which more of such lands and other property are located than in any other county; provided, that in the event any work is to be done upon any navigable stream, the consent of the federal government shall be obtained to make such improvement or improvements before the actual work on the improvements shall be begun.

2. The* modifications to this section, as enacted by the ninety-second general assembly, second regular session, shall not be construed to enhance or limit the current law, and any interpretation thereof, with regard to where a levee district may or may not be formed within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants nor any city, town, village, or other political subdivision contained therein.

(RSMo 1939 § 12492, A.L. 1947 V. II p. 226, A.L. 1965 p. 381, A.L. 1994 S.B. 600 merged with S.B. 633, A.L. 2004 H.B. 795, et al. merged with H.B. 1207)

*Word "Any" appears in original rolls of H.B. 1207, 2004.

8/28/2004

245.020. Circuit clerk to give notice by publication — form of notice — mailing required. — 1. After such articles of association shall have been filed, the clerk in whose office the articles of association have been filed shall give notice by causing publication to be made once in some newspaper published in each county in which the land and other property of the district are situate. Such notice shall be published within fourteen days of filing of the articles, and the notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections [245.010 to 245.280](#):

NOTICE OF APPLICATION TO FORM LEVEE DISTRICT.

Notice is hereby given to all persons interested in the following described real estate and other property in _____ County of Missouri (here describe the property as set out in the articles of association) that articles of association asking that the foregoing lands and other property be formed into a levee district under the provisions of sections 245.010 to 245.280, RSMo, have been filed in this office, and the foregoing real estate and other property will be affected by the formation of said levee district and be rendered liable to taxation for the purposes of paying the expenses of organizing and making and maintaining the improvements that may be found necessary to effect the leveeing and reclamation of the land and other property in said district, and you and each of you may file objections or exceptions to said articles of association and petition on or before the _____ day of _____, 20_____, in this office, but not thereafter, if any there be, why said levee district as set forth in the articles of association shall not be organized as a public corporation of the state of Missouri.

Clerk of circuit court of _____ County.

The circuit court of the county in which said articles of association have been filed shall thereafter maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district without regard to county lines, for all purposes of this law; provided, that where lands in different counties are sought to be incorporated in the same district, it shall not be necessary to include all of the lands in said proposed levee district in the notice published in the different counties, but only such lands and other property in the district as are situate in the respective counties.

2. Within fourteen days of the filing of the articles, those petitioning for the creation of the district shall mail, by certified mail, a copy of the notice contained in this section to the names as listed on the county assessor's records of the owners of land identified in the petition or other individual or corporate franchise property in the district identified in the petition, including all public entities owning land within the district.

(RSMo 1939 § 12494, A.L. 1994 S.B. 633, A.L. 2008 S.B. 939)

Prior revisions: 1929 § 10904; 1919 § 4598; 1909 § 5704

8/28/2008



245.025. Objections to incorporation heard — court decree filed with secretary of state and county recorder. — Any owner of real estate or other property as herein described in said proposed district, who may not have signed said articles of association objecting to the organization and incorporation of said levee district, may, within fourteen days after the date of publication pursuant to section [245.020](#), file his objection or objections why such levee district should not be organized and incorporated. Such objection or objections shall be limited to a denial of the statements in the articles of association, and shall be heard by the court in a summary manner, taking precedence over all matters except older matters of the same character, and in case all such objections are overruled, the circuit court shall, by its order duly entered of record, duly declare and decree said levee district a public corporation of this state, for a term not exceeding the time mentioned in said articles of association signed and filed. If the court finds that the land set out in said articles of association should not be incorporated into a levee district, it shall dismiss said proceedings and adjudge the costs against the signers of said articles of association in proportion to the acreage represented by each. Any person having signed the articles of association shall have no right to have said proceedings dismissed as to him without the written consent of the majority in acreage of the owners who signed said articles. The articles of

association and petition may be amended as any other pleading. Within ten days after the said district has been declared a corporation by the court, the clerk thereof shall transmit to the secretary of state a certified copy of the findings and decree of the court incorporating said district, and the same shall be immediately filed in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed under the general law concerning corporations. The secretary of state shall immediately send a certified copy to the U. S. Corp of Engineers District office where the levee district is located. A copy of said findings and decree, together with a plat of the district, shall also be filed in the office of the county recorder in each of the counties having land in said district, where the same shall become a permanent record, and each such recorder shall receive a fee of one dollar for filing and preserving the same.

(RSMo 1939 § 12495, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10905; 1919 § 4599

Effective 7-12-94

7/12/1994

245.030. Adjacent districts may consolidate — petition, hearing and decree. —

1. Any two or more adjacent districts, whether incorporated in the same or different counties, may be united and consolidated in one district, and such new district and the board of supervisors thereof shall have all the rights, powers and privileges of any district organized under sections [245.010](#) to [245.280](#).

2. In order to effect such consolidation, the board of supervisors of each of the original districts shall call an election in the same manner as election for supervisors, stating the time, place and object of such election. If a majority of the acreage voting in each district vote in favor of the proposition to unite and consolidate such districts, the board of supervisors of each district shall present a petition to the circuit court of the county in which the greatest amount of land is located, accompanied with a complete return of said election, in which petition shall be stated the name of the original district, when incorporated, the names of the owners of the lands and the boundaries of the district.

3. When said petition has been filed, the circuit clerk shall give notice of such filing in the manner provided for giving notice in section [245.020](#), said notice to state the contents of said petition and the objects sought and the date on which said matter is to be heard.

4. Any person owning land in either of said districts, on or before the date set out in the notice on which said matter is set to be heard, may file objections to the

regularity or sufficiency of any of the proceedings had in the premises, and if such objections are overruled, or if no objections are made, the court shall make an order that any two or more of the several districts so asking to be united shall be united and consolidated as one district, under some appropriate designation, with all the rights, powers and privileges of districts organized under sections [245.010 to 245.280](#) and except as hereinafter provided the lands so included in the new district shall be subject to all liens, liabilities and obligations of the original districts, and a new board of supervisors shall be elected, as is now provided in case of election of supervisors, and all orders made in regard to extension of time, boundaries or uniting districts shall be spread on the records of the circuit court, and a certified copy thereof shall be filed with the recorder of deeds of each county in which any of such lands is located, and also with the secretary of state, who shall immediately send a certified copy to the U. S. Corp of Engineers District office where the levee district is located, and said recorder shall receive a fee of one dollar for filing and preserving such certificates; provided, however, that if any district included in any consolidated district shall have issued bonds which are outstanding at the time of such consolidation, the taxes levied to pay such bonds and the interest thereon shall be an obligation of only the property within such component district.

(RSMo 1939 § 12536, A.L. 1959 H.B. 311, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10946; 1919 § 4640

Effective 7-12-94

7/12/1994

245.035. Time of corporate existence may be extended. — Whenever the board of supervisors of any district organized under sections [245.010 to 245.280](#) or any previous enactment of the general assembly of the state of Missouri providing for the organization of levee districts by the circuit courts, finds that the time for which such districts has been incorporated should be extended in order to raise funds to complete "the plan for reclamation", pay for works already completed, pay bonds outstanding and interest thereon, or interest on the same, restore any works or construct new works, such board shall call a meeting of landowners of the district in the same manner as is provided for in section [245.060](#); the notice shall state the time, place and purpose of such meeting, and that if the majority of acres and mileage as herein provided represented at said meeting be cast in favor of such extension of the district's corporate existence a petition will be presented to the court organizing the district, asking for such extension of time. Such meeting shall be conducted in the same manner as is provided in section [245.060](#) for the election of supervisors, except that one

member of the board of supervisors shall act as chairman of such meeting and the secretary of the board or his deputy shall act as clerk; and if a majority of the acreage represented at such meeting shall vote in favor of such extension the board of supervisors shall within forty-five days before the next term of the circuit court file a petition with the clerk of said court praying for the extension of the corporate existence of the district, and after the filing of such petition the same proceedings shall be had as is provided for in sections [245.020](#) and [245.025](#) relating to articles of association and incorporation of the district. If such petition be granted by the court, within twenty days thereafter the circuit clerk shall transmit a copy of the decree to the secretary of the board of supervisors, who shall transmit a copy of the same to the secretary of state and to the recorder of deeds of each county having land or other property in the district, who shall file and preserve the same in his office, and for such service he shall receive a fee of one dollar. In case the court shall find that such extensions should not be allowed, said petition shall be dismissed and the cost incurred in the case be paid by the district.

(RSMo 1939 § 12537)

Prior revisions: 1929 § 10947; 1919 § 4641

8/28/1939



245.040. Districts may reorganize. — Any levee district of Missouri heretofore organized, in process of organization or that may hereafter be organized under the provisions of any previous or existing laws of this state, either general or special, other than sections [245.010 to 245.280](#), may elect in the manner herein provided to become and be reorganized under the provisions of sections [245.010 to 245.280](#).

(RSMo 1939 § 12540)

Prior revisions: 1929 § 10950; 1919 § 4644

8/28/1939

245.045. Districts reorganized to receive all benefits — reorganization articles of association to be filed with circuit court. — Any levee district heretofore organized and any district that is now in process of organization or any levee district that may hereafter be organized under any previous or existing law of this state, either general or special, may organize under the provisions of sections [245.010 to 245.280](#), and after so organized shall be entitled to the benefits of all of the provisions of sections [245.010 to 245.280](#). The owners of a majority of acreage of any existing levee district may make and sign articles of association in which shall be stated: The name of the district which

shall be the same as the name it bears when such articles of association are made, and the number of years such district is to continue, which shall in no event be for fewer years than the life of any of its existing obligations. Such articles shall also state that the boundaries of the district will be the same as the boundaries of the present organization and that the description of the land and other property and the owners thereof are such as are described in the present record of the district as now organized and said articles of association shall contain a petition, praying that the lands of said levee district be declared a levee district under the provisions of sections [245.010 to 245.280](#). After such articles of association have been so signed, the same shall be filed in the office of the clerk of the circuit court of the county in which such lands are situate, or if such lands be situate in two or more counties, then in the office of the clerk of the circuit court of the county in which there are situate more of said lands than in any other county.

(RSMo 1939 § 12541)

Prior revisions: 1929 § 10951; 1919 § 4645

8/28/1939

245.050. Notice of reorganization hearing. — Immediately after such articles of association have been filed, the circuit clerk in whose office the same have been filed shall give notice in the manner and for the time specified in section [245.020](#), said notice to be in substantially the following form which shall be deemed sufficient for all the purposes of sections [245.010 to 245.280](#):

NOTICE FOR HEARING OF PETITION FOR
REORGANIZATION OF _____ LEVEE DISTRICT

Notice is hereby given to owners of land and other property in " _____ levee district" of Missouri that articles of association have been filed in this office, asking that said levee district be reorganized under the provisions of sections 245.010 to 245.280, and that you, and each of you, are notified to appear before the court on the _____ day of _____, 20_____, at _____ in _____ County, and show cause, if any there be, why said levee district as set forth in said articles of association should not be reorganized as a public corporation under this law.

Clerk of the circuit court of _____ County.

The circuit court of the county in which said articles of association have been filed shall thereafter maintain and have original and exclusive jurisdiction coextensive with the

boundaries and limits of said district without regard to county lines, for all purposes of sections [245.010](#) to [245.280](#); provided, that where lands in different counties are sought to be incorporated in the same district, it shall not be necessary to include all of the lands in said proposed district in the notice published in the different counties, but only such lands and other property in the district as are situate in the respective counties.

(RSMo 1939 § 12542, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 10952; 1919 § 4646

Effective 1-2-79

1/2/1979



245.055. Procedure. — After said notice has been so given the matter shall be proceeded with in the same manner as is provided for where articles of association for the formation of a levee district have been filed.

(RSMo 1939 § 12543)

Prior revisions: 1929 § 10953; 1919 § 4647

8/28/1939

245.060. Election of board of supervisors — term of office. — Within thirty days after any levee district shall have been organized and incorporated under the provisions of section [245.025](#) the circuit clerk of the court organizing such district shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are located, the last insertion to be at least ten days before the day of such meeting, call a meeting of the owners of real estate or other property located in such district, including the authorized representative of any corporation which owns real estate or other property located in such district, at a day and hour specified in some public place in the county in which the district was organized, for the purpose of electing a board of five supervisors, to be composed of owners of real estate in the district, which may include the authorized representative of any corporation which owns real estate or other property in the district, two of whom at least shall be residents of the county or counties in which the district is located, or some adjoining counties; the landowners, when assembled, shall organize by the election of a chairman and secretary of the meeting, who shall conduct the election; at such election each and every acre of land and each and every mile of right-of-way of every corporation owning a franchise in the

district shall represent one share, and each owner shall be entitled to one vote in person or by proxy for every acre of land or mile of right-of-way owned by him or her in such district, and the five persons receiving the highest number of votes shall be declared elected as supervisors; and the supervisors shall immediately by lot determine the terms of their office, which shall be respectively one, two, three, four and five years, and they shall serve until their successors shall have been elected and qualified; provided, that if the levee district be located wholly within a third or fourth class city of this state, or within any city in this state under fifty thousand population operating under a special charter then the owner of each lot, tract, parcel or subdivision thereof, as set forth in the final decree of the court creating and incorporating such levee district, shall be entitled to one vote, in person or by proxy, for each lot, tract, parcel or subdivision thereof, owned by him or her.

(RSMo 1939 § 12496, A.L. 1947 V. II p. 226, A.L. 1999 H.B. 450, A.L. 2004 H.B. 795, et al. merged with H.B. 1207)

Prior revisions: 1929 § 10906; 1919 § 4600; 1909 § 5705

8/28/2004

245.065. Improper election of board of supervisors — court to declare vacancies — new election called. — If it is made to appear to the judge of the circuit court organizing the district, either in term time or vacation, by an application in writing made by any person or persons interested, that any meeting of landowners for the election of the board of supervisors or any member thereof, held under section [245.060](#), was improperly called or that the notice thereof improperly or insufficiently stated the time and place of such meeting, or that such notice was not published for the proper time or in the proper manner or was for any other reason insufficient, the circuit judge shall order the clerk of the court in which the district was organized to notify by summons the supervisor or supervisors to be affected thereby, setting forth a copy of the application filed and requiring such member or members to appear before the court at a time and place therein specified, which time shall be not less than five days from the receipt of said notice, and show cause why, if any there be, said office or offices shall not be declared vacant. If it appear to the court at the hearing of the objection or complaint that the said notice of landowners' meeting and election was for any reason insufficient, the court shall declare said office or offices vacant and he shall direct the clerk of the court organizing the district to call a meeting of the property owners for the purpose of electing other supervisors to fill the vacancy or vacancies, and thereupon it shall be the duty of the said clerk to call and give notice of such new meeting, in the manner and for the time specified in section [245.060](#). The meeting of

the property owners and the election of the supervisor or supervisors shall be conducted, in all particulars, as prescribed in section 245.060, and the supervisor or supervisors thus elected shall supersede the member or members previously elected, and upon qualifying as provided in sections 245.070 and 245.075, such supervisors shall thereupon become the true corporate authorities of the district for the unexpired term or terms of the de facto supervisor or supervisors whose offices have been vacated as herein provided; provided, that where such vacancy shall occur because of the insufficiency of notice of the annual landowners' meeting held under the provisions of section 245.070, the remaining qualified supervisors shall fill such vacancy by appointment, such appointed supervisor to hold office only until the next regular annual landowners' meeting, at which time a new supervisor shall be elected to fill out the remaining unexpired term.

(RSMo 1939 § 12497)

Prior revisions: 1929 § 10907; 1919 § 4601

8/28/1939



245.070. Board of supervisors to call annual meeting and election — owners of land benefitted entitled to vote. — In the same month of each year after the election of the first board of supervisors, the board of supervisors shall call a meeting of the owners of land and other property herein described in the district, in the same manner as is provided for in section 245.060, and such owners shall meet at the time and place fixed by the board of supervisors and elect one supervisor therefor in like manner as prescribed in section 245.060, who shall hold his office for five years or until his successor is elected and qualified; and in case of a vacancy in any office of supervisors the remaining supervisors may fill such vacancy until the next annual meeting, when a successor shall be elected for the unexpired term; provided, that after the report of the commissioner has been confirmed by the court under the provisions of section 245.130 only the land and other such property having benefits assessed against it shall be entitled to vote at the annual meetings held under the provisions of this section.

(RSMo 1939 § 12499)

Prior revisions: 1929 § 10909; 1919 § 4603

8/28/1939

245.075. Supervisors to take oath. — Each supervisor before entering upon his official duties shall take and subscribe to an oath before some officer authorized by law to administer oaths, that he will honestly, faithfully and impartially perform the duties

devolving upon him in office as supervisor of the levee district in which he was elected, and that he will not neglect any of the duties imposed upon him by sections [245.010](#) to [245.280](#).

(RSMo 1939 § 12500)

Prior revisions: 1929 § 10910; 1919 § 4604

8/28/1939

245.080. Organization of board — to make annual report — compensation. —

1. The board of supervisors immediately after their election shall choose one of their number president of the board, and elect some suitable person secretary, who shall serve until his successor is elected, accepts the office and qualifies, and who may or may not be a member of the board. Such board shall adopt a seal with a suitable device and shall keep a record of all its proceedings, which shall be open to the inspection of all owners of real estate and other property herein described of the district, as well as to all other interested parties. The board shall report to the landowners at the annual meeting held under the provisions of section [245.070](#) what work has been done either by the engineers or otherwise. The members of the board shall receive, for attending to business for and on behalf of said district, actual transportation expenses, which shall be audited by the board before payment.

2. At the annual meeting called by the board of supervisors under the provisions of section [245.070](#), the owners shall set the compensation to be received by the members of the board for their services while actually engaged in work for the district; provided, however, that if the secretary be a member of the board he shall be compensated as provided for in section [245.090](#).

(RSMo 1939 § 12501, A.L. 1981 H.B. 251)

Prior revisions: 1929 § 10911; 1919 § 4605

8/28/1981



245.085. County clerk and treasurer to deliver records and moneys of district to secretary of board. — Immediately after the election of the board of supervisors as provided for in section [245.055](#), and the election of a president and a secretary, and the secretary has filed the necessary bond and it has been approved, he shall call upon the county clerk or other person who may be in charge of the records of the district for all records, contracts, files, books, plats, maps and every article of record belonging to said district, and the county clerk or other person in charge of such records shall

immediately deliver to said secretary of the district all such records and take the receipt of the secretary therefor. Said secretary shall also call upon the county treasurer or other person who has control of the funds of the district, for the transfer of all funds of the district to him and said treasurer or other person shall immediately transfer such funds, taking the receipt of the secretary for such funds.

(RSMo 1939 § 12544)

Prior revisions: 1929 § 10954; 1919 § 4648

8/28/1939

245.090. Secretary of board to be ex officio treasurer — board to audit books annually and publish financial statement. — The secretary of the board of supervisors in any levee district shall hold the office of treasurer of such district, except as otherwise provided herein, and he shall receive and receipt for all the levee taxes collected by the county collector or collectors of the revenue, and he shall also receive and receipt for the proceeds at all tax sales made under the provisions of sections [245.010 to 245.280](#). Said treasurer shall receive a salary, payable monthly, such as the board of supervisors may fix and all necessary expenses; said board of supervisors shall furnish the secretary and treasurer the necessary office room, furniture, stationery, maps, plats, typewriters and postage. Said treasurer may appoint, by and with the advice and consent of the board of supervisors, one or more deputies as may be necessary, whose salary or salaries and necessary expenses shall be paid by the district. Said treasurer shall give bond in such amount as shall be fixed by the board of supervisors, conditioned that he will well and truly account for and pay out, as provided by law, all moneys received by him as taxes from the county collector or collectors, or as proceeds from the tax sales of delinquent taxes, or from any other source whatever on any account or claim of said district, which bond shall be signed by at least two sureties, approved and accepted by said board of supervisors, and said bond shall be in addition to the bond for proceeds of sales of bonds, which is required by section [245.230](#). The bond of said treasurer may, if the board shall so direct, be furnished by a surety or bonding company, which shall be approved by said board of supervisors; said bond shall be placed and remain in the custody of the president of the board of supervisors, and shall be kept separate from all papers in the custody of the secretary and treasurer. Said treasurer shall keep all funds received by him from any source whatever deposited at all times in some bank, banks or trust company to be designated by the board of supervisors. All interest accruing on such funds shall, when paid, be credited to the district. It shall be the duty of the board of supervisors to audit or have audited the books of said treasurer of said district June thirtieth of

each year, and they shall publish a financial statement within thirty days thereafter showing the amount of money received, the amount paid out during such year, and the amount in the treasury at the beginning and end of such year. The aforesaid treasurer of the district shall pay out funds of the district only on warrants issued by the district, said warrants to be signed by the president of the board of supervisors and attested by the signature of the secretary and treasurer.

(RSMo 1939 § 12518)

Prior revisions: 1929 § 10928; 1919 § 4622

8/28/1939

245.095. Powers and duties of supervisors. — 1. In order to effect the leveeing, protection and reclamation of the land and other property in the district subject to tax, the board of supervisors is authorized and empowered to straighten, widen, change the course and line of any levee in or out of such district; to fill up any creek, drain, channel, river, watercourse or natural stream; and to divert or divide the flow of water in or out of the district; to construct and maintain sewers, levees, dikes, dams, sluices, revetments, drainage ditches, pumping stations, syphons and any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to construct roadways over levees and embankments; to construct any and all of such works and improvements across, through or over any public highway, railroad right-of-way, track, grade, fill or cut in or out of the district; to remove any fence, building or other improvements in or out of the district, and shall have the right to hold, control and acquire by donation or purchase, and if need be, condemn any land, easement, railroad or other right-of-way, sluice or franchise in or out of the district for right-of-way, or for any of the purposes herein provided, or for material to be used in constructing and maintaining such works and improvements for leveeing, protecting and reclaiming the lands in the district. The board shall also have the right to condemn for the use of the district any land or property within or without the district not acquired or condemned by the court on the report of the commissioners assessing benefits and damages and shall follow the procedure that is now provided by law for the appropriation of land or other property taken for telegraph, telephone and railroad rights-of-way.

2. In addition to the powers granted in subsection 1 of this section, in any levee district formed under the laws of this state having an assessed valuation of real property of twenty-five million dollars or greater and located, in whole or in part, in any county with a charter form of government and with more than one million inhabitants, the board of supervisors is authorized to construct and maintain water

lines and any other works and improvements deemed necessary to preserve and maintain the works in or out of the district.

(RSMo 1939 § 12519, A.L. 2004 H.B. 795, et al. merged with H.B. 1207)

Prior revisions: 1929 § 10929; 1919 § 4623; 1909 § 5513

8/28/2004



245.100. Chief engineer appointed — duties. — Within sixty days after organizing, the board of supervisors shall appoint a competent civil engineer as chief engineer, who may be an individual, copartnership or corporation, and who shall engage such assistants as the board of supervisors may approve. The chief engineer shall have control of the engineering work in said district. The chief engineer may, by and with the consent of the board of supervisors, consult any eminent engineer or engineers and obtain his or their opinion and advice concerning the reclamation or protection of land in said district. The said engineer or engineers shall make all necessary surveys of the lands within the boundary lines of said district as described by the articles of association, and of all lands adjacent thereto that may or will be improved or reclaimed in part or in whole by any system of levees or bank protection that may be outlined and adopted, and said engineer or engineers shall make a report in writing to the board of supervisors with maps and profiles of said surveys, which report shall contain a plan for leveeing, draining, reclaiming or protecting the lands and property described in the articles of association or adjacent thereto from overflow of or damage by water; provided, that the chief engineer may in his discretion, accept, approve and adopt or amend any plan for leveeing, draining, reclaiming or protecting the lands and property described in the decree of the court incorporating said district, which may have been designed by either a state or federal department, division or agency, which has for its purpose the protection and reclamation of the land and property within the district.

(RSMo 1939 § 12502, A.L. 1947 V. II p. 226)

Prior revisions: 1929 § 10912; 1919 § 4606

8/28/1947

245.105. Chief engineer to make report — supervisors to adopt plans and supplemental plans for reclamation. — The chief engineer shall make a report in writing to the board of supervisors when said board shall so require it. Upon receipt of the final report of said engineer concerning surveys made of the lands and other property contained in the district organized, and plans for reclaiming or protecting the

same the board of supervisors shall adopt such report or any modification thereof approved by the chief engineer after consulting with the chief engineer or someone representing the chief engineer, and thereafter such adopted report shall be the plan for leveeing, protecting or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as "**the plan for reclamation**" which term shall include leveeing, diking, bank protection, current control or other improvement, which plan shall be filed with the secretary of the board of supervisors and copied by the secretary into the records of the district. Supplemental plans for leveeing, protecting or reclaiming some or all of the lands and other property in the district from overflow or damage by water may be adopted by the board of supervisors from time to time as deemed necessary by the board of supervisors. The aforesaid supplemental plans may supplement, alter or modify the plan for reclamation and shall become a part thereof.

(RSMo 1939 § 12503, A.L. 1977 S.B. 3, A.L. 2008 S.B. 939)

Prior revisions: 1929 § 10913; 1919 § 4607

8/28/2008

245.110. Secretary of board to file copy of plan with circuit clerk — commissioners appointed. — Within twenty days after the adoption of the plan for reclamation the secretary of the board of supervisors shall prepare and transmit a certified copy thereof to the circuit clerk of the court organizing the levee district, and at the same time the board of supervisors shall file with the circuit clerk a petition asking the judge of such court to appoint commissioners to appraise the lands within and without the district to be acquired for rights-of-way, holding basins and other works of the district, and to assess benefits and damages accruing to all lands in the district and other property by reason of the execution of the plan for reclamation. Within thirty days after the filing of such petition the judge of such court, either in term time or vacation, shall, by an order, appoint three commissioners, who shall be residents of the state of Missouri, and who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district. A majority of the commissioners shall constitute a quorum and shall control the action of the board on all questions.

(RSMo 1939 § 12505, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10915; 1919 § 4609

8/28/1990



245.115. Organization of board of commissioners. — Said circuit clerk upon the filing of said order of appointment shall notify each of said commissioners of his appointment by written or printed notice, and in the same notice he shall state the time and place for the first meeting of said commissioners. The secretary of the board of supervisors or his deputy shall attend such meeting, and shall furnish to said commissioners a complete list of lands, all corporate and other property described in the articles of association or adjacent thereto that will be affected by carrying out and putting into force the plan for reclamation, and the names of the owners of such property, as were contained in the articles of association, at the date of the final decree of the court incorporating the district. Said secretary shall also furnish said commissioners a copy of the plan for reclamation, with maps and profiles in his office. The commissioners at said meeting, or within ten days thereafter, shall each take and subscribe to an oath that they will faithfully and impartially discharge their duties as such commissioners and make a true report of the work done by them. The said commissioners shall also at said meeting elect one of their own number chairman, and the secretary of the board of supervisors, or his deputy, shall be ex officio secretary of said board of commissioners during their continuance in office.

(RSMo 1939 § 12506)

Prior revisions: 1929 § 10916; 1919 § 4610

8/28/1939

245.120. Commissioners to inspect district and assess benefits and damages — report to be filed. — 1. Within thirty days after qualifying, as provided for in section [245.115](#), the commissioners shall begin their duties. They may at any time call upon the attorney of the district for legal advice and information relative to their duties, and the chief engineer or one of his assistants shall accompany the commissioners at all times and shall render his opinion in writing when called for. The commissioners shall proceed to view the premises and determine the value of all land and other property, within or without the district, to be acquired and used for rights-of-way, or other works set out in the plan for reclamation. They shall assess the amount of benefits, and the amount of damages, if any, that will accrue to each governmental lot, including all property owned by the state or other political subdivision, forty-acre tract or other subdivision of land according to ownership, railroad and other rights-of-way, railroad roadways and other property from carrying out and putting into effect the plan for reclamation heretofore adopted. The commissioners in assessing the benefits to lands, public highways, railroad and other rights-of-way, railroad roadways and other property not traversed by such works and improvements as provided for in the

plan for reclamation shall not consider what benefits will be derived by such property after other levees, ditches, improvements or other plans for reclamation shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the works and improvements set out in the plan for reclamation, or as the same may afford protection from overflow of such property. The commissioners shall give due consideration and credit to any other levee, ditch or other systems of reclamations which may have already been constructed and which afford partial or complete protection to any tract or parcel of land in the new district, and if the commissioners shall find that any levee or other works have been constructed under any general or special law of this state, which can be used in making the levees and improvements herein contemplated, they shall include the same in their report, and thereafter the board of supervisors may order such levees or such works to be used, so far as they extend, for the purpose of the levee district in which they are situated, and that the district or other owners of such levee or other improvements or persons having an interest in same by virtue of having contributed money, material or labor in the construction of the same, shall be allowed in proportion to the interest held or owned in said levees or improvements, a compensation which shall not exceed the amount of such levee district's indebtedness as evidenced by outstanding scrip, bonds or other evidences of indebtedness. The railroad and other rights-of-way, railroad and other property shall be assessed according to the increased physical efficiency and decreased maintenance cost by reason of the protection to be derived from the proposed works and improvements. The commissioners shall have no power to change the plan for reclamation heretofore provided for.

2. The board of commissioners shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column one, "owner of property assessed"; column two, "description of property assessed"; column three, "number of acres assessed"; column four, "amount of benefits assessed"; column five, "number acres taken for right-of-way"; column six, "value of property taken"; column seven, "damages". They shall also, by and with the advice of the engineer of the district, estimate the cost of works set out in the plan for reclamation, which estimate shall include the cost of property required for rights-of-way and damages and the actual expenses of organization and administration, as estimated by the board of supervisors, and shall itemize and tabulate the same. The report shall be signed by at least a majority of the commissioners and filed in the office of the circuit clerk, in which the articles of association were filed. The secretary of the board of supervisors, or his deputy, shall accompany the commissioners while engaged in their duties, and shall perform all clerical work of the board. He shall also, under the

advice, supervision and direction of the attorney for the district, prepare their report. The board of commissioners shall report to the board of supervisors the number of days each had been employed and the actual expenses incurred. Each commissioner shall be paid an amount set by the court for each day for his services, and necessary expenses in addition thereto.

(RSMo 1939 § 12507, A.L. 1985 H.B. 378, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10917; 1919 § 4611

Effective 7-12-94

7/12/1994

245.125. Property owners notified of commissioners' report by publication — form of notice — mailing required. — Upon the filing of the report of the commissioners, the clerk of said circuit court shall give notice thereof by causing publication to be made once in some newspaper published in each county in the district. It shall not be necessary for said clerk to name the parties interested, but it shall be sufficient to say:

NOTICE FOR FILING OF COMMISSIONERS' REPORT

For _____ Levee District.

Notice is hereby given to all persons interested in the following described land and property in _____ County (or counties), Missouri (here describe land and property), included within " _____ levee district" that the commissioners heretofore appointed to assess benefits and damages to the property and lands situated in said levee district and to appraise the cash value of the land necessary to be taken for rights-of-way, and other works of said district within or without the limits of said district, filed their report in this office on the _____ day of _____, 20_____, and you, and each of you, are hereby notified that you may examine said report and file exceptions to all or any part thereof, as provided by law.

Clerk of the circuit court of _____ County, Missouri.

Provided, that where lands in different counties are contained in said report, the said notice shall be published in some newspaper in each county in which such lands so affected are situate, and it shall not be necessary to publish a list of all of said lands in each county, but only that part of same situate in the respective counties. The commissioners shall mail, by certified mail, a copy of the notice contained in this

section to the parties contained in subsection 2 of section [245.020](#) within one week of filing the report.

(RSMo 1939 § 12508, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10918; 1919 § 4612

Effective 7-12-94

7/12/1994



245.130. Exceptions to commissioners' report heard and determined. — 1. The levee district or any owner of land or other property in said district, may file exceptions to said report or to any assessment for either benefits or damages, within ten days after the last day of publication of the notice provided for in section [245.125](#).

2. All exceptions shall be heard by the court and determined in a summary manner so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvement contemplated in the plan for reclamation is less than the benefits assessed against the land and other property in said district, then the court shall approve and confirm said commissioners' report as so modified and amended. The court shall adjudge and apportion the costs incurred by the exceptions filed and shall condemn any land or other property, within or without the boundary lines of the district, that is shown by the report of the commissioners to be needed for rights-of-way, holding basins and other works, or that may be needed for material to be used in constructing said works, following, as nearly as possible the procedure that is now provided for by law for the appropriation of land and other property taken for telegraph, telephone and railroad rights-of-way.

3. The clerk of said circuit court shall transmit a certified copy of the court decree and copy of the commissioners' report, as confirmed or amended by the court, to the secretary of the board of supervisors of the district, who shall make and transmit a certified copy of the said decree and that part of the said report affecting land in each county to the recorder of each county having lands in the district, or affected by the said report, where the same shall become a permanent record and each such recorder shall receive a fee of one dollar for receiving, filing and preserving the same.

4. Any person may appeal from the judgment of the court, and upon such appeal there may be determined either or both of the following questions:

(1) Whether just compensation has been allowed for property appropriated; and

(2) Whether proper damages have been allowed for property prejudicially affected by the improvements.

(RSMo 1939 § 12509)

Prior revisions: 1929 § 10919; 1919 § 4613

(2003) Section provides only two instances in which an appeal is authorized; question of whether commissioners' assessment of benefits is proper is not reviewable. *Riverside-Quindaro Bend Levee District v. Intercontinental Engineering Manufacturing Corporation*, 121 S.W.3d 531 (Mo.banc).

8/28/1939

245.135. Court to declare corporation dissolved if costs exceed benefits. — If, after determining the objections made to the commissioners' report, the court shall find that the estimated costs of works and improvements as reported by the board of commissioners, or as amended by the court, exceed the estimated benefits, the court shall then render its decree, declaring the incorporation of the district to be dissolved as soon as all costs incurred, including all obligations and debts made in behalf of the district by the board of supervisors and court costs shall have been paid, and if the uniform tax levied under the provisions of section [245.175](#) be found insufficient to pay all such costs the board of supervisors shall make such additional uniform tax levies as will be necessary to pay such deficiency; provided, that in estimating the cost of constructing the works and improvements of the district the amount of interest that might accrue upon bonds that may be issued by the board of supervisors under the provisions of sections [245.010 to 245.280](#) shall not be considered as a part of the cost of construction.

(RSMo 1939 § 12529)

Prior revisions: 1929 § 10939; 1919 § 4633

8/28/1939

245.140. Plan of reclamation may be changed — procedure. — 1. The board of supervisors for and in behalf of any levee district organized under the provisions of sections [245.010 to 245.280](#), or the owners of land adjacent to such district, shall have the right to file a petition in the office of the clerk of the court organizing the district praying the court to amend its former decree incorporating the district, by correcting the names of landowners, by striking out any such names, by adding, striking out or correcting the descriptions of any lands within or alleged to be within the boundary lines of any such district, or in any other manner amend its decree; said petition may

ask permission of the court for said board to amend or change the plan for reclamation, or to correct any errors, omissions or other mistakes that have been discovered in the plan for reclamation, or said petition may ask that the boundary lines of said district be extended so as to include lands not described by and included in the articles of association filed and the decree of the court incorporating the district. If such petition asks the court permission to change the plan for reclamation or that the boundary lines of such district be in any manner changed, it shall also ask the court to appoint three commissioners as provided for under the provisions of section [245.110](#) to appraise the land that shall be taken for rights-of-way or other works, or assess the benefits and damages to any or all lands, railroad and other property already in the district or that may be annexed to the district by the proposed amendments, and changes to the plan for reclamation or the proposed change in the boundary lines of said district.

2. After said petition shall have been filed, the court wherein said petition is filed, if in session, or the clerk thereof in vacation, shall fix the date, not less than forty-five nor exceeding sixty days from the date of filing of said petition, on or before which objections, if any, shall be filed to said petition, and the clerk shall give notice of the filing of said petition and of the date on or before which objections, if any, to said petition, and the clerk shall give notice of the filing of said petition and of the date on or before which objections, if any, to said petition shall be filed by causing publication to be made once a week for four consecutive weeks in some newspaper published in each county in which are situate the land and other property affected by the proposed changes, amendments and corrections mentioned in said petition, the first insertion to be made not more than fourteen days after the date on which the petition was filed. Said notice shall be substantially in the following form and it shall be deemed sufficient for all purposes of sections [245.010](#) to [245.280](#):

NOTICE OF LEVEE HEARING

To the owners and all persons interested in the lands, corporate and other property in and adjacent to " _____ levee district".

You, and each of you, are hereby notified that a petition has been filed in this office praying the circuit court of _____ County for permission to (here insert the prayer of said petition with the lands mentioned therein and the names of the owners thereof), and you, and each of you, may file objections to the prayer of said petition, on or before the _____ day of _____, 20_____, in this office, but not thereafter, if any there be, why the prayer of said petition should not be granted.

Clerk of circuit court of _____ County, Missouri.

3. Where lands or other property in different counties will be affected by the proposed changes, amendments and corrections enumerated in the said petition, it shall not be necessary to include all the said lands or other property in the notice published in the different counties, but only such of said lands and other property as are situated in the respective counties. Any owner of land or other property that will be affected by the proposed changes, amendments and corrections mentioned in the petition, may on or before the date fixed and published as above provided, file objections in the court or if in vacation thereof, in the office of the clerk of such court wherein the said petition is filed, to the granting of the prayer of the said petition; provided, that the court may in vacation or term time extend the time upon terms. The court shall hear said petition and all objections that may have been filed against said petition in a summary manner without unnecessary delay, and enter its decree according to its findings.

4. The clerk of said court shall, within fifteen days after the granting of such decree, transmit a certified copy of said decree and a copy of the petition to the secretary of the board of supervisors, who shall transmit a copy of the same to each of the recorders of deeds of the counties having land in the district and to the secretary of state. Each such recorder shall file and preserve the same in his office, and for such filing and preserving he shall receive a fee of one dollar.

5. If said decree of the court provides that the plan for reclamation may be amended, changed or corrected or the boundary lines of the district extended, the court shall appoint three commissioners, possessing the same qualifications as the commissioners appointed under the provisions of section [245.110](#), to appraise property to be taken, assess benefits and damages and estimate the cost of improvements the same as is required of commissioners acting under the provisions of section [245.120](#). Said commissioners shall make their report in writing and file the same with the circuit clerk, after which the case shall be proceeded with in the same manner as is now provided for in sections [245.010 to 245.280](#) for the organization of levee districts; provided, that if the petition be dismissed the district shall pay the cost, but if the petition be sustained in whole or in part, the objectors shall pay the court costs. In case the benefits and damages have been assessed on the land and other property remaining in the district and the court finds the same will not be altered by either the change in the boundary line or change in the plan for reclamation, the court shall not appoint commissioners to make assessments.

(RSMo 1939 § 12532, A.L. 1978 H.B. 1634)

Prior revisions: 1929 § 10942; 1919 § 4636

Effective 1-2-79

1/2/1979



245.145. Damages assessed must be paid before appropriating land. — The board of supervisors of levee districts organized under sections [245.010 to 245.280](#) shall not have the right to enter upon or appropriate any land for rights-of-way, or other works of the districts, until the price awarded to the owners of such land by the commissioners shall have been paid to such owners or into the hands of the circuit clerks of the courts organizing such districts for the use of such owners; and if the sums awarded be not so paid within five years from the date of filing the commissioners' reports, all proceedings as to the taking of such property for rights-of-way and other works not so paid for shall abate at the cost of said district. Whenever any land is acquired by any district under the provisions of sections [245.010 to 245.280](#) and the price of such property has been paid the owner by the district, the title, use, possession and enjoyment of such property shall pass from the owner and be vested in the district, and subject to its use, profit, employment and final disposition. The price awarded for all land acquired by any district for rights-of-way, or other works and the amount of damages assessed by the board of commissioners and confirmed by the court to any tract or parcel of land or other property in the district shall be paid in cash to the owner thereof or to the clerk of the court for the use of such owner, and that portion of any tract or parcel of land or other property not taken for the use of the district shall be assessed for the benefits accruing in accordance with the provisions of sections [245.010 to 245.280](#).

(RSMo 1939 § 12522)

Prior revisions: 1929 § 10932; 1919 § 4626

8/28/1939

245.150. Board to construct works — may let contracts for construction. — The board of supervisors of said district shall have full power and authority to build, construct, excavate and complete all or any works and improvements which may be needed to carry out, maintain and protect the plan for reclamation. To accomplish that end the said board of supervisors is hereby authorized and empowered to employ men and teams and to purchase machinery, employ men to operate same and directly have charge of and construct the works and improvements, or by the use of other or more

efficient means than provided for in the plans adopted. They may, in their discretion, let the contract for such works and improvements either as a whole or in sections, and when such contract or contracts are let, they shall be advertised and let to the lowest and best bidder, who shall give a good and approved bond, with ample security, conditioned that he will well and promptly carry out the contract for such work and improvements, which contract shall be in writing and to which shall be attached and made a part thereof, complete plans and specifications of the work to be done and the improvements to be made under said contract, which plans and specifications shall be prepared by the chief engineer, and shall be incorporated in and attached to the contract, which contract shall be prepared by the attorney for the district, and before the work is commenced shall be approved by the board of supervisors and signed by the president of the board and the contractor and shall be executed in duplicate. The chief engineer shall be the superintendent of all the works and improvements and shall whenever required, and at least once each year, make a full report to said board of all work done and improvements made and make such suggestions and recommendations to the board as he may deem proper; provided, however, that if and when the state of Missouri or the United States of America or any subdivision, department, division or agency thereof is willing to construct the works and improvements provided for in the plan for reclamation or any part thereof, the board of supervisors of said district is authorized to cooperate with such agency to the fullest extent and is hereby granted power and authority to accept any such work in aid of the project, irrespective of whether it be by way of grant of funds, labor, work, materials or otherwise and may, in the discretion of the board of supervisors, give such assurances as may be required to obtain the construction of the works and improvements provided for in the plan for reclamation.

(RSMo 1939 § 12510, A.L. 1947 V. II p. 226)

Prior revisions: 1929 § 10920; 1919 § 4614

CROSS REFERENCE:

Contractual agreements among political subdivisions for common facilities and services, proceedings, 70.210 to 70.320

8/28/1947

245.155. Embankments on right-of-way to be raised at expense of owner to conform to district levee. — When any right-of-way has been obtained under sections [245.010 to 245.280](#), over any embankment belonging to any person, railroad, tramway or other corporation, it shall be the duty of the owner of such embankment to so raise,

at the expense of the owner, said embankment so that same will conform with the levee of said district, and if such person or corporation shall fail or refuse to raise such embankment in the manner herein provided, said district may within three months after it has finished the building of its own levee enter upon and raise the embankment of said person or corporation to conform with said district levee. And the cost for such construction shall be a first lien upon the property of said person or corporation and such cost may be enforced in any court of competent jurisdiction.

(RSMo 1939 § 12523)

Prior revisions: 1929 § 10933; 1919 § 4627

8/28/1939



245.160. Board to employ attorney. — The board of supervisors shall employ an attorney to act for the district and to advise said board. Such employment shall be evidenced by an agreement in writing, which, as far as possible, shall specify the exact amount to be paid to said attorney for all services and expenses. Such attorney shall conduct all legal proceedings and suits in court where the district is a party or interested, and shall in all legal matters advise the said board of supervisors, all officers, employees or agents of said district and board, and generally look after and attend to all matters of a legal nature for said board and district. When the said board may deem it necessary, they may, by and with the advice of said attorney, and under the like terms and conditions as above set forth, employ another attorney or attorneys.

(RSMo 1939 § 12520)

Prior revisions: 1929 § 10930; 1919 § 4624

8/28/1939

245.165. Board to keep record of proceedings — open to inspection. — The board of supervisors of any district organized under sections [245.010](#) to [245.280](#) shall cause to be kept a well-bound book, entitled "Record of board of supervisors of _____ district", in which shall be recorded minutes of all meetings, proceedings, certificates, bonds given by all employees and any and all corporate acts, which record or records shall at all times be open to the inspection of anyone interested, whether taxpayer or bondholder.

(RSMo 1939 § 12521)

Prior revisions: 1929 § 10931; 1919 § 4625

8/28/1939

245.170. Board to provide for compensation of employees and fees of officers. —

The board of supervisors, except where otherwise provided, shall, by resolution, at time of hiring or appointing, provide for the compensation for work done and necessary expense incurred by any officer, engineer, attorney or other employee and shall also pay the fees, per diem and necessary expenses of all court and county officers who may by virtue of sections [245.010 to 245.280](#) render service to said district. It is understood that the ordinary fee statute does not apply to services rendered under sections [245.010 to 245.280](#) by any county officer, but each such officer shall receive only a reasonable compensation for services actually rendered, the same to be fixed by the court in which the proceeding is pending, except where otherwise provided in sections [245.010 to 245.280](#); that said corporations or petitioners for corporations may prepare, write or print all copies of petitions, writs, orders and decrees or other papers, and furnish same to the clerk or other officer for his use, and in such event said officer shall be entitled to receive as compensation for issuing the said writs and copies of petitions, decrees, orders or other papers, only the reasonable value of the services actually rendered.

(RSMo 1939 § 12530)

Prior revisions: 1929 § 10940; 1919 § 4634

8/28/1939



245.175. Board to levy tax to pay cost of organization. — 1. The board of supervisors of any levee district organized under the provisions of sections [245.010 to 245.280](#) shall levy a uniform tax of not more than eight dollars per acre upon each acre of land and each mile of right-of-way of all public service corporations, within such district, as defined by the articles of association to be used for the purpose of paying expenses incurred or to be incurred in organizing said district, making surveys of the same and assessing benefits and damages and to pay other expenses necessarily to be incurred before said board shall be empowered by section [245.180](#) to provide funds to pay the total cost of works and improvements of the district.

2. In case the boundary lines of the district be extended under the provisions of section [245.140](#), so as to include lands and other property not described and contained in the articles of association, the same uniform tax shall be levied on such lands and other property as soon as same shall have been annexed and included in the district.

3. Such tax shall be due and payable as soon as assessed and if not paid by December thirty-first of the year in which it has been levied the same shall become

delinquent. It shall become a lien on the land and other property against which it is assessed and shall be collected in the same manner as the annual installment of tax is collected. In case the sum received from such assessment exceeds the total cost of items for which the same has been levied, the surplus shall be placed in the general fund of the district and used to pay cost of construction; provided, that if the incorporation of the district be dissolved, as provided for in section 245.275, the amount of surplus, if there be any, shall be prorated and refunded to the landowners paying such uniform tax; provided further, that if the levee district be located within a third or fourth class city of this state, or within a city in this state under fifty thousand population operating under a special charter, then in the discretion of its board of supervisors, a uniform tax not exceeding five dollars may be levied on each lot, tract, parcel or subdivision thereof as set forth in the decree of the court incorporating said levee district.

(RSMo 1939 § 12504, A.L. 1947 V. II p. 226, A.L. 1959 H.B. 313, A.L. 2008 S.B. 939)

Prior revisions: 1929 § 10914; 1919 § 4608

8/28/2008

245.180. Board to levy tax, when — new tax authorized, when — tax, how levied — secretary to prepare levee tax record. — 1. After the lists of lands and other property, with the assessed benefits and the decree and judgment of court, have been filed in the office of the county recorder as provided in section 245.130, then the board of supervisors shall without any unnecessary delay, after a public hearing, levy a tax of such portion of said benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the cost of the completion of the proposed works and improvements as shown in said plan for reclamation and in carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess thereof.

2. Notwithstanding the limitations of sections 245.130 and 245.135 or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to subsection* 1 of this section, may levy a new tax of such portion of the assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing works and improvements called for and completed pursuant to the plan for reclamation originally adopted by the board of supervisors and in carrying out the objects of said district. The tax levied

under this subsection* shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed.

3. In case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said board of supervisors) which will accrue on such bonds shall be included and added to the said tax levied under either subsection* 1 or 2 of this section, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and costs of making said improvements are or are not equal to or in excess of the benefits assessed. The secretary of the board of supervisors, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well-bound book, which book shall be endorsed and named "levee tax record of _____ levee district _____", which endorsement shall also be printed or written at the top of each page in said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary.

(RSMo 1939 § 12511, A.L. 1977 S.B. 3, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10921; 1919 § 4615

Effective 7-12-94

*Word "paragraph" appears in original rolls.

7/12/1994

245.181. Additional bonds authorized, when — meeting, votes how cast — form of notice — notice, how given. — 1. The board of supervisors may, if in their judgment it seems best, issue additional bonds which do not exceed ninety-one percent of the amount of new taxes levied pursuant to paragraph 2 of section [245.180](#). The funds derived from the sale of said bonds shall be used only to pay the costs of replacing, repairing, and reconstructing the works and improvements called for and completed pursuant to the plan for reclamation originally adopted by the board of supervisors.

2. The board of supervisors shall issue such additional bonds only if, at a meeting called for such purpose, the issuance of the bonds obtains the approval of the owners of two-thirds of the acreage and miles of right-of-way in the district which has benefits assessed against it. The owners of property within the district shall vote at such meeting in the manner provided in sections [245.060](#) and [245.070](#).

3. Notice for the meeting referred to in paragraph 2 shall be in substantially the following form:

NOTICE OF MEETING OF _____ LEVEE DISTRICT

Notice is hereby given to owners of land and other property in _____ levee district of Missouri that a meeting will be held on _____, 20_____, at _____ o'clock at _____ in _____ County for the purpose of approving the issuance of bonds to finance the cost of replacing, repairing and reconstructing the works and improvements called for and contemplated in the plan for reclamation originally adopted by the board of supervisors, and transacting such further business as may come before said meeting. The meeting will be open to the public.

Done by order of the Board of Supervisors this _____ day of _____, 20_____.

Secretary of the Board of Supervisors.

4. The secretary shall cause the notice of the meeting to be published once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situated, the last insertion to be at least ten days before the day of such meeting.

5. The bonds shall be issued in all other respects pursuant to and in accordance with the provisions of section [245.230](#).

(L. 1977 S.B. 3)

8/28/1977



245.185. Annual installment of tax to be levied — when due — form of certificate of tax. — 1. The said board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under section [245.180](#), which shall become due and be collected during said year at the same time that state and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the board not later than September thirtieth of each year to the collector of revenue of each county, or township, in which lands and other property of said district are situate.

2. The certificate of said installment tax shall be in substantially the following form:

State of Missouri,)
) ss

County of _____)

To _____, collector of the revenue of said county, or township:

This is to certify that by virtue and authority of the provisions of section 245.185, RSMo, the board of supervisors of " _____ levee district of Missouri" have and do hereby levy the sum of \$ _____ as the annual installment of the tax for the year 20 _____ of the total tax levied under the provisions of section 245.180, RSMo, which said total tax has heretofore been certified to the recorder of deeds of your county; and said board of supervisors of said district by and with the authority of section 245.195, RSMo, has levied also the sum of \$ _____ as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situate in your county are set out in the following table, in which are: First, the names of the present owners of said lands and other property so far as now known; second, the descriptions of said lands and other property opposite the names of said owners; third, the amount of said installment of tax levied on each tract of real estate and other property, and fourth, the said amount of maintenance tax levied against the same. The said taxes shall be collectible and payable the present year at the same time that state and county taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the state and county taxes due on the same lands and other property, and this "levee tax book" shall be your warrant and authority for making such demand and collection.

Witness the signature of the president of the said board of supervisors, attested by the seal of said district, and the signature of the secretary of said board, this _____ day of _____, A.D. 20_____.

(SEAL)

President of Board of
Supervisors.

Secretary of Board of Supervisors.

3. Then shall follow a table or schedule showing in properly ruled columns, first, the names of the present owners of said lands and other property so far as now known; second, the descriptions of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied on each

tract of land or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person or persons paying the several amounts, if other than the person whose name appears in column one hereof. The columns in which the annual installment tax and the maintenance tax, if any, appear shall be correctly totaled and the total amount shall correspond to the amount set out in the above mentioned certificate. The said certificate and table shall be prepared in the form of a well-bound book which shall be endorsed and named "Levee tax book _____ levee district _____ County, or _____ Township of _____ County, Missouri, for the year 20_____", which endorsement shall also be printed at the top of each page in said book.

(RSMo 1939 § 12512, A.L. 1953 p. 536, A.L. 2017 S.B. 112)

Prior revisions: 1929 § 10922; 1919 § 4616

8/28/2017

245.190. Board may make additional levy of tax. — Where the works set out in the plan for reclamation of any levee district is found insufficient to reclaim in whole or in part any or all of the land and other property of the district the board of supervisors shall have the right to formulate new or amended plans containing new levees or other works, or providing for the enlargement of existing levees or other works, and additional assessments may be made in conformity with the provisions of section [245.180](#), the same to be made in proportion to the increased benefits accruing to the lands and other property because of the additional works. If it should be found at any time that the amount of total tax levied under the provisions of section [245.180](#) is insufficient to pay cost of works set out in the plan for reclamation or additional work done under the provisions of this section, the board of supervisors may make an additional levy to provide funds to complete the work; provided, the total of all levies of such tax does not exceed the total amount of benefits assessed.

(RSMo 1939 § 12538)

Prior revisions: 1929 § 10948; 1919 § 4642

8/28/1939

245.195. Board may levy maintenance tax — unprotected lands not taxable. —

1. To maintain and preserve the levees or other improvements made pursuant to sections [245.010](#) to [245.280](#) and to strengthen, repair, replace and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the

board of supervisors, on or before the first day of September in each year thereafter, may levy an assessment upon each tract or parcel of land and upon corporate property within the district, to be known as a "maintenance tax". The maintenance tax shall be apportioned upon the basis of the net assessment of benefits accruing for original construction, and shall be certified to the collector of revenue of each county in which lands of the district are situate in the same book in like manner and at the same time as the annual tax is certified, but in a separate column, under the heading "maintenance tax". The collector shall demand and collect the maintenance tax and make return thereof and shall receive the same compensation therefor and be liable for the same penalties for failure or neglect so to do as is provided herein for the annual installment tax.

2. No maintenance tax shall be levied or assessed against any lands or other property which is not protected from overflow by the levees and other improvements of the district. No such tax heretofore levied or assessed against any such lands or other property shall be collected by or for the district, and the board of supervisors of the district is hereby authorized and empowered to strike from the levee tax books of the district any unpaid maintenance tax which has been levied or assessed against any such lands or other property.

(RSMo 1939 § 12535, A.L. 1955 p. 601, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10945; 1919 § 4639

Effective 7-12-94

7/12/1994



245.196. Annual benefit fee, how levied, amount. — In addition to any tax which may be levied pursuant to the provisions of section [245.180](#) or any other provision of sections [245.010](#) to [245.280](#), the board of supervisors may levy an annual benefit fee on nonpublic improvements on certain tracts of real estate in said district. The annual benefit fee shall be one thousand dollars for improvements with an assessed valuation of at least one million dollars but not more than five million dollars, five thousand dollars for improvements with an assessed valuation of more than five million dollars but not more than fifteen million dollars, and ten thousand dollars for improvements with an assessed valuation of more than fifteen million dollars.

(L. 1985 H.B. 378, A.L. 1994 S.B. 633)

Effective 7-12-94

7/12/1994

245.197. Readjustment of benefits, when — levy of new tax for carrying out supplemental plan — notice, how given — form of notice — lists, where filed. —

1. Whenever the board of supervisors of any district now existing or hereafter organized pursuant to sections 245.010 to 245.280, for and in behalf of the district, or the owners of twenty-five percent or more of the acreage of the lands in the district, shall file a petition with the circuit clerk in whose office the articles of association were filed stating that there has been a material change in the values of all or some of the property in the district since the last previous assessment of benefits or readjustment of the assessment of benefits, and praying for a readjustment of the assessment of benefits of the property identified in the petition for the purpose of making a more equitable basis for the levy of the maintenance tax or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105, or for both of the aforesaid purposes, the court wherein the petition is filed, if in session, or the clerk thereof in vacation, shall fix a date for the hearing of the petition which date shall not be less than forty-five nor more than sixty days from the date of the filing of the petition.

2. The circuit clerk shall give notice to all persons interested in the lands and property identified in the petition of the filing and hearing of the petition in the manner and for the time provided for in section 245.020. Such notice may be in the following form:

To All Persons Interested in the Following Described
(insert description of lands and property)

Lands and Property Included Within _____ District:

You are hereby notified that a petition has been filed in the office of the clerk of the circuit court of _____ County, Missouri, praying for a readjustment of the assessment of benefits for the purpose(s) of _____ and that the petition will be heard by the circuit court on the _____ day of _____, 20_____.

Clerk of the Circuit Court of
_____ County, Missouri.

3. Upon the hearing of the petition, if the court finds that there has been a material change in the values of the property in the district identified in the petition since the last previous assessment of benefits, the court shall order that there be made a

readjustment of the assessment of benefits for the lands identified in the petition for the purpose of providing a basis upon which to levy the maintenance tax of the district or for the purpose of levying a new tax to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105, or for both of the aforesaid purposes.

4. Thereupon the court shall appoint three commissioners possessing the qualifications of commissioners appointed under section 245.110 to make such readjustment of assessments in the manner provided in section 245.120 with respect to those lands identified in the petition. The commissioners shall make their report, and the same proceedings shall be had thereon, as nearly as may be, as are provided in sections 245.010 to 245.280, for the assessment of benefits accruing from the original construction. In making the readjustment of the assessment of benefits, the commissioners shall not be limited to the aggregate amount of the original or any readjustment of the assessment of benefits, and may assess the amount of benefits that will accrue from carrying out and putting into effect the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105. After the making of the readjustment, the limitation of ten percent of the benefits assessed for the annual maintenance tax which may be levied shall apply to the amount of benefits as readjusted, and the limitation of the tax which may be levied for payment of the costs of the completion of the proposed works and improvements as shown in the aforesaid supplemental plan for reclamation shall apply to the amount of the benefits readjusted.

5. There shall be no such readjustment of benefits more often than once in a year. The lists of land and other property, with the readjusted assessed benefits and the decree and judgment of the court, shall be filed in the office of the county recorder as provided in section 245.130.

(L. 1955 p. 602 § 1, A.L. 1977 S.B. 3, A.L. 1985 H.B. 378, A.L. 2008 S.B. 939)

8/28/2008

245.198. Tax levy, when — emergency levy of ten percent. — 1. If the board of supervisors deem it necessary, the board shall without unnecessary delay, levy a tax of such portion of said readjusted assessed benefits on all lands, railroad and other property in the district to which benefits have been assessed, as may be found necessary by the board of supervisors to pay the costs of the completion of the proposed works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section 245.105 and in

carrying out the objects of said district, and plus ten percent of said total amount for emergencies. The tax levied pursuant to this section shall be apportioned to and be levied on each tract of land or property in said district in proportion to the readjusted assessed benefits, provided that the amount of such tax levied pursuant to this section, when added to any taxes previously levied and remaining unpaid at the time of the levy provided for in this section, shall not exceed the total amount of the readjusted assessed benefits.

2. The tax shall be levied in the manner provided in sections [245.180](#) and [245.185](#).

(L. 1977 S.B. 3)

8/28/1977



245.199. Additional bonds authorized when — how issued. — 1. The board of supervisors may, if in their judgment it seems best, issue bonds which, when added to the bonded indebtedness then outstanding, do not exceed ninety-one percent of the total amount of taxes levied pursuant to section [245.198](#). The funds derived from the sale of said bonds shall be used to pay the costs of works and improvements as shown in the supplemental plan for reclamation adopted by the board of supervisors pursuant to section [245.105](#) and to refund outstanding protested warrants.

2. The bonds shall be issued pursuant to and in accordance with the provisions of section [245.230](#).

3. Notwithstanding the limitations of sections [245.130](#) and [245.135](#) or any tax levy limitation contained in this chapter, the board of supervisors, having levied a tax pursuant to paragraph 1 of this section, may levy a new tax and, if necessary, issue additional bonds whenever it is found necessary by the board of supervisors to pay the cost of replacing, repairing and reconstructing the works and improvements called for and completed pursuant to the supplemental plan for reclamation adopted by the board of supervisors. Any tax levied pursuant to this section shall be apportioned to and levied on each tract of land or property in said district in proportion to the readjusted assessed benefits. The tax authorized by this section shall be levied in the manner provided by sections [245.180](#) and [245.185](#).

4. The additional bonds authorized in paragraph 3 of this section shall be issued pursuant to and in accordance with the provisions of sections [245.181](#) and [245.230](#), provided that the additional bonds do not exceed ninety-one percent of the amount of new taxes levied pursuant to paragraph 3 of this section.

(L. 1977 S.B. 3)

8/28/1977

245.200. County collector of revenue to collect levee tax — to give bond to board of supervisors. — 1. It shall be the duty of the collector of revenue of each county in which lands or other property of any levee district organized under sections 245.010 to 245.280 are situate, to receive the levee tax book each year and he is hereby empowered and it shall be his duty to promptly and faithfully collect the tax therein set out and to exercise all due diligence in so doing. He is further directed and ordered to demand and collect such taxes at the same time that he demands and collects state and county taxes due on the same lands and other properties. Where any tract or part thereof has been divided and sold or transferred, the collector shall receive taxes on any part of any tract, piece or parcel of land or other property charged with such taxes and give his receipt accordingly. The above and foregoing levee tax book shall be the warrant and authority of the collector for making such demand and collection.

2. The said collector shall make due return of all levee tax books each year to the secretary of the board of supervisors of the aforesaid levee district, and shall pay over and account for all moneys collected thereon each year to the treasurer of said district at the same time when he pays over state and county taxes. Said collector shall in said levee tax book, verify by affidavit his said return. The said secretary shall each year, within ten days after the return of said collector is delivered to him, prepare and certify to said collector a levee back tax book containing the list of lands and other property so returned by said collector as delinquent, deliver the same to him and take his receipt therefor, and said collector shall proceed to collect such delinquent levee taxes and demand payment therefor in the same manner as herein provided for the collection of current levee taxes.

3. Before receiving the aforesaid levee tax book the collector of each county in which lands or other property of the levee district are located, shall execute to the board of supervisors of the district a bond with at least two good and sufficient sureties in a sum that is double the probable amount of any annual installment of said tax to be collected by him during any one year, conditioned that said collector shall pay over and account for all taxes so collected by him according to law. Said bond after approval by said board of supervisors shall be deposited with the secretary of the board of supervisors, who shall be custodian thereof and who shall produce same for inspection and use as evidence whenever and wherever lawfully requested to do.

(RSMo 1939 § 12513)

Prior revisions: 1929 § 10923; 1919 § 4617

8/28/1939

245.205. Secretary of board to extend and certify levee tax to collector-treasurers — duties of collector-treasurer — county collector-treasurer to collect delinquent taxes. — 1. In counties where the provisions of [chapter 65](#) are or may hereafter be in force, the secretary of the board of supervisors shall extend all levee taxes under the provisions of sections [245.010 to 245.280](#) on separate tax books for the respective townships in which such lands are situate, and such tax books shall be certified to the collector-treasurers at the same time and in the same manner as provided for county collectors. Such taxes shall be collected by such collector-treasurers at the same time and in the same manner, as state and county taxes are collected, and each collector-treasurer shall give bond, have the same authority to collect such taxes, receive the same compensation therefor and pay over such taxes to the secretary of board of supervisors, as provided for county collectors under sections [245.010 to 245.280](#) and shall be subject to the same penalties and liabilities. Such collector-treasurers shall make due return of such tax books under oath in the same manner as required of county collectors.

2. The delinquent levee taxes shall be certified by the secretary of the board of supervisors to the county collector-treasurer of delinquent taxes, who shall collect such delinquent levee taxes at the same time and in the same manner as is herein provided for the collection of the delinquent levee taxes in counties not under the provisions of [chapter 65](#). The said collector-treasurer of delinquent levee taxes shall give bond, have the same authority to collect such taxes, receive the same compensation therefor, and pay over the said taxes to the treasurer of the levee district as is provided for county collectors under sections [245.010 to 245.280](#), and shall be subject to the same penalties and liabilities.

3. All township levee tax books, and the return of the collectors of such books, shall be taken as prima facie evidence in all courts of all matters therein contained, and that the delinquent tax shown in such books was properly levied and extended against such lands and remains unpaid. The lien of such tax shall be enforced and suits to collect such delinquent tax shall be instituted and prosecuted in the same manner provided by sections [245.010 to 245.280](#), except such suits shall be instituted by the levee district on tax bills duly made out and certified by the county collector-treasurer of delinquent taxes.

(RSMo 1939 § 12539, A.L. 2005 H.B. 58 merged with S.B. 210)

land and other property opposite the names of said owners; and third, the amount of said taxes levied on each tract of land or piece of property; (here insert such table). The said tax shall be payable in annual installments; the amount of each installment as well as the amount of the maintenance tax will be determined and certified to the county collector of your county not later than the first day of September of each year. The aforesaid tax and such maintenance taxes as may be levied from time to time are hereby declared a lien, to which only the lien of the state for general state, county, school and road taxes shall be paramount upon all land and other property herein and heretofore described.

Witness the signature of the president of said board of supervisors attested by the seal of said district and the signature of the secretary of said board this _____ day of _____, A.D. 20_____.

(Seal)

President.

Attest: _____,

Secretary.

The certificates and table specified in this section shall be prepared in a well-bound book and filed in the office of each of the recorders of the counties having lands in said districts as the same may affect the land or other property in his county, where the same shall become a permanent record of the office. The said book or books shall be prepared by the secretary of the board of supervisors at the expense of the levee district, shall be designated as the "levee tax record", and each recorder shall receive a fee of one dollar for filing said book and preserving the same.

2. In the event of a buyout of the lands of the district because of flood damage, in whole or in part, it shall be the responsibility of the entity acquiring any land within the district to satisfy in full any outstanding liens against the property acquired at the time of purchase. The amount of any outstanding lien for each parcel of property located within the district shall not exceed the property's proportional liability to the outstanding bond issue.

(RSMo 1939 § 12516, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10926; 1919 § 4620

Effective 7-12-94

7/12/1994

245.220. Tax book to be prima facie evidence — suits for taxes brought in circuit court. — The levee tax book of the district, as returned by the collector of the revenue to the secretary of the board of supervisors of the levee district shall be prima facie evidence in all courts of all matters therein contained. The liens established and declared in section [245.215](#) may and shall be enforced by an action on delinquent tax bills, made and certified by the county collector, which action shall be instituted in the circuit court without regard to the amount of the claim within six months after December thirty-first of the year for which said taxes were levied. The suits shall be brought in the corporate name of the district by its attorney against the land or lands, property or properties, on which such levee tax has not been paid. The suit shall be brought in the county in which the property is situate, except when the tract or property sued upon be in more than one county, in which event the suit may be brought on the whole tract, parcel or property in any county in which any portion thereof may be situate. The pleadings, process, proceedings, practice and sales, in cases arising under sections [245.010 to 245.280](#) shall, except as herein provided, be the same and have the same effect as in an action for the enforcement of the state's lien for the delinquent general taxes upon real estate, and the aforesaid levee tax book shall have the same probative effect as the back tax bill has in actions for the enforcement of the state's lien for general taxes upon real estate. The title acquired through any sale of lands or other property under the aforesaid proceedings shall be subject to the lien of all subsequent annual installments of levee tax. In all suits for the collection of delinquent taxes, the judgment for said delinquent taxes and penalty shall also include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax and in the same suit. The proceeds of sales made under and by virtue of sections [245.010 to 245.280](#) shall be paid at once to the aforesaid treasurer and shall be accounted for by him the same as the levee taxes.

(RSMo 1939 § 12517)

Prior revisions: 1929 § 10927; 1919 § 4621

8/28/1939



245.225. Suits and notices to be filed in recorder's office against last record owners. — 1. Whenever any levee district organized and existing under the provisions of what now appears as sections [245.010 to 245.280](#) shall hereafter institute an action, in the manner now provided by law, to enforce the collection of unpaid delinquent annual assessments levied by it, such district shall cause said action to be instituted against the last record owner or owners of the land against which the delinquent

assessments sued for were levied, as shown by the records in the recorder's office of the county in which the land is located and shall also join as parties defendant the trustee and beneficiaries shown by all recorded deeds of trust, mortgages or vendors' liens, which create a lien on the land involved in any such suit that may be instituted and no other parties shall be necessary or required, except as herein provided.

2. On the same day that any such action shall be filed for and in behalf of any such district, its attorney, so filing such action shall also file in the recorder's office of the county where such land is located, a written notice, verified by him showing in tabulated form, the docket number of each of the respective suits that may be filed in the office of the clerk of the circuit court, the name of the plaintiff district, the names of all defendants in each suit filed, a description of the land included in each suit, the years in which the delinquent assessments were levied and the amount then due on each parcel of land described in said notice, when such suit was filed. Such notice shall be filed by the recorder and recorded by him in a well-bound book as other instruments are recorded in his office. The recorder shall be entitled to a fee of one dollar for filing and recording such notice, to be paid by district filing same. Such notice, when so filed, shall constitute due and proper notice to all parties, except those required to be made parties defendant as herein provided, then having or asserting, or who may subsequently acquire or assert any right, title, claim, or interest in and to said land, of the filing of said suit to enforce the collection of said special assessments, irrespective of whether any such parties then hold unrecorded conveyances affecting the title to the land included in such suit, including an assignment of any note secured by deed of trust, mortgage or vendor's lien on the said land, or whether they have acquired by conveyances some such right, title, claim and interest in and to said land, or an assignment of any note secured by deed of trust, mortgage or vendor's lien on said land, subsequent to the filing of said notice.

3. If any one shall, at the time of filing such suit and notice, hold an unrecorded instrument or conveyance affecting the title to the land included in such suit or if anyone shall acquire any such right, title, claim or interest in and to said land so included in any such suit, after the filing of said suit and notice, or if anyone shall become the assignee of notes secured by deeds of trust, mortgages or vendor's lien on the land included in any such suit, each of them shall have the right and it shall be their duty to intervene as parties defendant in any such suit so filed on or before the first day of the return term of the summons issued when said suit is filed, and make defense to said suit, if they so desire. Upon their failure so to do, they shall be bound by any judgment that may be rendered by the court in any said suit just as though they had been joined as defendants and served with process therein and their interest, if

any, along with the interest of all named defendants in and to said land shall, if judgment be rendered for plaintiff, be sold on execution in the manner now provided by law, and all the right, title, claim and interest of all parties in and to said land shall pass to and be acquired by the purchaser of said land at the execution sale based upon the judgment obtained in said suit, unless said delinquent assessments so sued for shall have been previously paid.

(L. 1941 p. 346 § 12547A)

8/28/1941

245.230. Board may issue bonds — how funds are to be used. — 1. The board of supervisors may, if in their judgment it seems best, issue bonds not to exceed ninety-one percent of the total amount of the taxes levied under the provisions of section [245.180](#), in denomination of not less than one hundred dollars, bearing interest from date at a rate not to exceed six percent per annum, payable semiannually, to mature at annual intervals within twenty years, commencing after a period of years not later than five years, to be determined by the board of supervisors, both principal and interest payable at some convenient banking house or trust company's office to be named in said bonds, which said bonds shall be signed by the president of the board of supervisors, attested with the seal of said district and by the signature of the secretary of the said board.

2. All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such dates as the board of supervisors may deem necessary to meet the payments for the works and improvements in the district. Said bonds shall not be sold for less than ninety-five cents on the dollar, with accrued interest, shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the aforesaid taxes. A sufficient amount of the levee tax shall be appropriated by the board of supervisors for the purpose of paying the principal and interest of the said bonds and the same shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate of six percent per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment. Any expenses incurred in paying said bonds and interest thereon and a reasonable compensation to the bank or trust company for paying same, shall be paid out of the other funds in the hands of the treasurer and collected for the purpose of meeting the expenses of administration. It shall be the duty of said board of supervisors in making the annual tax levy, as heretofore provided, to take into account the maturing bonds and interest on all bonds, and to make ample provisions in

advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of section 245.180 are not sufficient to pay the principal and interest of all bonds issued, then the board of supervisors shall make such additional levy or levies as are necessary for this purpose, and under no circumstances shall any tax levies be made that will in any manner or to any extent impair the security of said bonds or the fund available for the payment of the principal and interest of the same.

3. Said treasurer shall, at the time of the receipt by him of said bonds, execute and deliver to the president of the board of supervisors of the said district, a bond with good and sufficient sureties, to be approved by the said board of supervisors conditioned that he shall account for and pay over as required by law and as ordered to do by said board of supervisors any and all money received by him on the sale of such bonds, or any of them, and that he will only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he will return, duly cancelled, any and all bonds not sold to the board of supervisors, when ordered by said board so to do, which said bond shall remain in the custody of the said president of said board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do.

4. The said treasurer shall promptly report all sales of bonds to the board of supervisors, and the board shall, at the proper time, issue warrants for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold and a reasonable compensation to the bank or trust company, and the said treasurer shall place sufficient funds at the place of payment to pay the same. In case proper warrants are not issued by the board of supervisors as herein provided then the treasurer shall of his own accord place said funds at the place of payment and the cancelled bonds and coupons and the receipt of the bank or trust company shall be accepted in lieu of warrants.

5. The successor in office of any such treasurer shall not be entitled to said bonds or the proceeds thereof until he shall have complied with all the foregoing provisions applicable to his predecessor in office; provided, if it should be deemed more expedient to the board of supervisors, as to moneys derived from the sale of bonds issued, said board may by resolution, select some suitable bank or banks or other depository, as temporary treasurer or treasurers, to hold and disburse said moneys on the orders of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the said board of supervisors.

6. The funds derived from the sale of said bonds or any of them shall be used for the purpose of paying the cost of the levee works and improvements and such costs, expenses, fees and salaries as may be authorized by law and used for no other purpose.

(RSMo 1939 § 12534)

Prior revisions: 1929 § 10944; 1919 § 4638

CROSS REFERENCES:

Bond issues, proceeds and moneys for interest and sinking fund to be kept separate, 108.180 to 108.230

Refunding bonds authorized, payment of, 108.140 to 108.160

8/28/1939

245.235. Unpaid warrants to draw interest. — Any warrant issued under sections [245.010 to 245.280](#) that is not paid when presented to the treasurer of the board of supervisors of the district, because of lack of funds in the treasury, such fact shall be endorsed on the back of the warrant, and the warrant shall draw interest thereafter at a rate of not more than twelve percent per annum, until such time as there is any money on hand to pay the amount of the warrant and the interest then accumulated, but no interest shall be allowed on warrants after such time when sufficient funds are in the treasury to pay the endorsed warrants and interest.

(RSMo 1939 § 12524, A.L. 1985 H.B. 378)

Prior revisions: 1929 § 10934; 1919 § 4628

8/28/1985



245.240. Surety bonds to be made payable to district. — All surety bonds required to be given by sections [245.010 to 245.280](#) shall be made payable to the district by its corporate name, in which name all suits shall be instituted and prosecuted. All penalties on any bond herein named shall be payable to and recoverable by said district. All bonds required by sections [245.010 to 245.280](#) shall cover defaults of deputies, clerks or assistants of the officers appointing them.

(RSMo 1939 § 12525)

Prior revisions: 1929 § 10935; 1919 § 4629

8/28/1939

245.245. Board to appoint inspectors — duties and powers of inspectors. — 1. It shall be the duty and the privilege of the board of supervisors to employ or appoint inspectors for the purpose of policing, guarding and inspecting all levees constructed under the provisions of sections [245.010 to 245.280](#), and the number of such inspectors shall be determined by the board of supervisors, as conditions and emergencies may require from time to time.

2. Said (and such) inspectors shall have the right at any time to take up and impound any and all stock, animals, or fowls, found upon or running upon any levee constructed or supervised under the provisions of sections [245.010 to 245.280](#); and before the owner of any such animal or animals, stock or fowls, shall be entitled to recover possession of the same, he shall pay to said levee district the penalty or amount fixed by the board of supervisors. Any and all members of the board of supervisors, and all inspectors employed by them, shall at all times in guarding or patrolling any levee constructed or supervised under the provisions of sections [245.010 to 245.280](#), shall have the same rights and authority in making arrests of persons, and in impounding animals, as is now accorded any sheriff or other peace officer of this state.

3. It shall be the further duty of said inspectors to report at such times as the board of supervisors may require, the condition of the levees, or other works of the district assigned to each inspector by the board; to make such examinations of all levees during high water periods, as may be directed by the board of supervisors; and upon any emergency, or danger to the levee, or other works of the district, of which the inspector has charge, he by order of the board of supervisors, may call out all able-bodied men over sixteen years of age, and under fifty years, within the district, and compel such persons to perform such work as said inspector may deem necessary to be made, in order to protect the levees, grades, or other works of the district. Any person who shall refuse to perform any such work assigned to him by said inspector, shall be deemed guilty of a misdemeanor, and upon affidavit made before any associate circuit judge of the county, by the inspector, or any other person, that the offender has defaulted in obeying such call or summons of said inspector, said associate circuit judge shall issue a warrant for the arrest of such offender, and upon conviction before said associate circuit judge, upon information or any other modes provided by law for the trial of cases of misdemeanor, he shall be fined any sum not less than twenty nor more than one hundred dollars, or by imprisonment in the county jail, not less than fifteen nor more than sixty days, or by both such fine and imprisonment, at the discretion of the associate circuit judge. For every day's work

any person shall perform under such requisition, he shall be paid the sum of one dollar and fifty cents out of the funds of the district, if demanded by him.

4. The provisions of this section shall apply, so far as necessary, to levee districts organized under sections [245.285](#) to [245.545](#).

(RSMo 1939 § 12533)

Prior revisions: 1929 § 10943; 1919 § 4637

8/28/1939

245.250. County collectors — penalty for failure to pay over tax, fee for collection of tax. — If any county collector of the revenues refuses, fails or neglects to make prompt payment of the tax or any part thereof collected under sections [245.010](#) to [245.280](#) to the aforesaid treasurer, then he shall pay a penalty of ten percent on the amount of his delinquency; such penalty shall at once become due and payable and both he and his sureties shall be liable therefor on his aforesaid bond. The collector shall deduct one percent of the amount he collects on current taxes and two percent of the amount he collects on delinquent taxes. All fees collected pursuant to this section shall be collected on behalf of the county and deposited in the county treasury.

(RSMo 1939 § 12515, A.L. 1987 S.B. 65, et al.)

Prior revisions: 1929 § 10925; 1919 § 4619

Effective 1-1-88

1/1/1988



245.255. Change of venue. — No change of venue shall be allowed in any of the proceedings had under the provisions of sections [245.010](#) to [245.280](#), except where the judge of the court in which the articles of association have been filed shall be disqualified for any of the reasons stated in the statutes of this state relating to the change of venue in civil cases. If the judge of such court is disqualified or is charged by any person interested in the formation of said district with being disqualified for any of the reasons stated in the statutes, it shall be the duty of said judge to call in a judge from some other judicial circuit of this state to sit and hear the proceedings and render his decree and judgment the same as the regular judge could have. Such judge shall retain jurisdiction in such reclamation proceedings only until the disqualification of the regular judge of the circuit court shall have been removed. Said judge so called shall receive for his services mileage and ten dollars per day for each day engaged. It shall be the duty of the clerk of the court in which the articles of association have been

filed to make out and sign a bill for the amount of mileage and per diem of the judge so called in and forward said bill to the state auditor, who shall approve such bill and draw a warrant for such amount on the fund appropriated and set apart by the legislature to pay expenses and salaries of circuit judges.

(RSMo 1939 § 12526, A.L. 1947 V. II p. 226)

Prior revisions: 1929 § 10936; 1919 § 4630

8/28/1947

245.260. Action not to abate by reason of death of party. — No action under sections [245.010 to 245.280](#) shall abate by reason of the death or disability of any party to any proceeding, but upon suggestion of such death or disability the cause shall be immediately revived in the name of the heirs, devisees or their legal representatives, and summons shall be served on such heirs, devisees and legal representatives at least five days before the day set for hearing the cause, and said summons may be served in vacation or term time; if the heirs, devisees or legal representatives of the deceased party are nonresidents notice by publication shall be given them in the manner and for the time provided for in section [245.020](#) and the cause shall then proceed in all respects as in case of the original parties being in court.

(RSMo 1939 § 12527)

Prior revisions: 1929 § 10937; 1919 § 4631

8/28/1939

245.265. Appeal not to act as supersedeas. — No appeal from any action of the circuit court had under sections [245.010 to 245.280](#) shall be permitted to act as supersedeas or to delay any action or the prosecution of any proceedings or work begun under the provisions of this law. Any procedure had under section [245.055](#), [245.060](#), [245.130](#) or [245.140](#) may be heard and determined by the court at either regular, adjourned or special sessions.

(RSMo 1939 § 12528)

Prior revisions: 1929 § 10938; 1919 § 4632

8/28/1939



245.270. Liability of reorganized district. — When an existing levee district has been reorganized under sections [245.010 to 245.280](#) the board of supervisors will not be required to follow such steps or requirements of sections [245.010 to 245.280](#) as are

inconsistent with or rendered unnecessary, by the work that has already been done in the district; provided, that no such change of organization shall have the effect of in any way invalidating any indebtedness, liability, or contract of any nature incurred under its former organization, but all such indebtedness, liability or contract shall attach to and become the debt or liability of the new organization until the same is fully paid and discharged, and all debts owing to, and all rights and privileges and immunities held or enjoyed by the old district under its former organization shall be held and enjoyed by the new district when the same shall organize under the provisions of sections [245.010 to 245.280](#); provided further, that no right of action shall exist nor remedy be allowed against any such reorganized district by virtue of any contract or contracts made by, or on behalf of, any such reorganized district prior to its reorganization as herein provided for, which did not exist or was not allowed by statute against such district prior to the time of its organization as herein provided for; and provided further, that two or more levee districts, whether located in the same or different counties, may unite in formulating and signing articles of association for the reorganization of such districts under the provisions of sections [245.040 to 245.055](#) and the land and other property of such districts may be combined into one and the same district under some suitable title.

(RSMo 1939 § 12545)

Prior revisions: 1929 § 10955; 1919 § 4649

8/28/1939

245.275. Procedure in dissolving levee district. — The incorporation of every levee district, heretofore or hereafter incorporated under and by virtue of the provisions of sections [245.010 to 245.280](#), shall be dissolved if, at any time before its board of supervisors has adopted a plan for reclamation, the owners, of a majority of the acres of land within said levee district, petition the circuit court, wherein said levee district was incorporated, for a dissolution thereof; provided, that, upon the filing of any such petition, said circuit court shall, before dissolving said corporation ascertain and determine the amount of money in the treasury of, or owing to, said corporation, and the amount of all warrants issued and unpaid by it, and the amount of the debts and other obligations owing by it; and, if said amount of money, in the treasury and owing to said corporation, is in excess of the amount of said warrants, debts and other obligations, said circuit court shall order said warrants, debts and other obligations to be forthwith paid and discharged, and said excess divided among all the owners of land in said levee district who paid the same thereto, in the proportions in which they paid the same; but if said amount of money, in the treasury and owing to said

corporation, is not sufficient to pay and discharge said warrants, debts and other obligations, then said circuit court shall order said board of supervisors to levy and collect a uniform tax, upon each and every acre of land within said levee district, sufficient in amount to pay said deficiency, and to thereupon pay the same.

(RSMo 1939 § 12547)

Prior revision: 1929 § 10957

8/28/1939

245.280. Sections construed — existing rights not to be affected. — The repealing of existing laws shall not have the effect of suspending, abating, abridging, impairing, vitiating or nullifying any right, power, remedy or lien heretofore given, created or conferred upon any levee district heretofore organized or in process of organization at the time of passage of sections [245.010 to 245.280](#), under any law of this state, either special or general, but all such rights, powers, remedies and liens are hereby directly preserved to all such levee districts; nor shall the repealing of existing laws have the effect of suspending, abridging, abating or nullifying any proceeding or proceedings now pending in any court of this state or of the United States; nor shall the repealing of existing laws have the effect of impairing, invalidating, discharging, changing, modifying or destroying any obligation, contract or undertaking, entered into by or with any levee district now organized, and existing under any law in this state, either special or general, but all such obligations, contracts and undertakings so entered into, shall be and remain inviolate. All rights, powers, liens and remedies now existing in behalf of such levee district of this state, may be enforced and made available in the manner and by the means and mode now provided by law, or such rights, powers, liens and remedies may be enforced and made available under the provisions of sections [245.010 to 245.280](#), if applicable, at the election of the board of supervisors of the levee district. Sections [245.010 to 245.280](#) are hereby declared to be remedial in character and purpose, and shall be liberally construed by the courts in carrying out this legislative intent and purpose, and its provisions shall be construed to apply to levee districts already organized or in process of organization at the time of the passage of sections [245.010 to 245.280](#).

(RSMo 1939 § 12546)

Prior revisions: 1929 § 10956; 1919 § 4650

8/28/1939



245.285. Defining the term levee districts — applicable to districts now organized or which may be organized. — The term "levee districts" as used in sections 245.285 to 245.545, and all other terms, or provisions of law contained in said sections 245.285 to 245.545, which have heretofore been interpreted as applying to said levee districts shall be construed to include, authorize, provide for and be made applicable to all districts now organized or which may hereafter be organized for the purpose of establishing, constructing or causing to be constructed, levees, dikes, bank protections, current control or other protection or reclamation improvements contiguous or adjacent to or situate near any body of swamp, wet or overflowed land, or other property in the nature of individual or corporate franchises in this state, or land subject to overflow or inundation or in or adjacent to any river or stream wholly within or bordering on the state of Missouri, property or land abutting, or situate near, which may be endangered or liable to be endangered through wash or bank erosion.

(RSMo 1939 § 12549)

Prior revision: 1929 § 10959

8/28/1939

245.290. County commissions may establish levee districts. — The county commissions of the several counties in this state containing contiguous bodies of lands subject to overflow or inundation or endangered or liable to be endangered by bank erosion or wash from rivers bordering upon or wholly within the state, may divide the territory of their respective counties subject to overflow or inundation or other damage into one or more districts, every such district of which, as well as those hereafter organized under the provisions of sections 245.285 to 245.545, shall be a body corporate, and possess the usual powers of a corporation for public purposes, under the name and style of "levee district No. _____ of _____ County"; and in that name shall be capable of suing and being sued, of holding such real and personal property as may at any time be either donated to or purchased by them in accordance with the provisions of sections 245.285 to 245.545, or of which they may be rightfully possessed at the time of the passage of this law, having reference to the locality of the land and the character of the riverfront, including in each of said districts, as near as possible, all the land subject to overflow or inundations, or endangered or liable to be endangered by bank erosion or wash from the same crevasses, bayous, draws or outflows from rivers, and in the same direction, and which can be protected by the same levee or system of levees or bank protection; provided, that when it shall be made to appear in any way that there shall be land in two or more counties subject to overflow or inundation from the same crevasses, bayous, draws or outflows from a river, and in

the same direction, and which can be protected by the same levee or system of levees, either county, by and with the consent of the county commission of the other county or counties, duly entered of record, may lay off such territory of said county or counties into a levee district, in the same manner as herein provided for territory wholly within such county; provided, that in the event any work is to be done upon any navigable stream, the consent of the federal government shall be obtained to make such improvement or improvements before the actual work on the improvement shall be begun.

(RSMo 1939 § 12548)

Prior revisions: 1929 § 10958; 1919 § 4651; 1909 § 5714

8/28/1939

245.295. Districts may be formed at regular meetings of governing body. — The county commission, or other legislative body if different from the county commission, of any county in this state forming a levee district wholly within its limits, whether of the whole county or a part of such county, may lay off such levee district at any regular meeting of such commission.

(RSMo 1939 § 12550, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10960; 1919 § 4652; 1909 § 5715

Effective 7-12-94

7/12/1994



245.300. Notice to be given — mailing required. — No such levee district shall be formed unless notice of an intention to apply therefor be first given by publication in some newspaper published in each county composing said proposed levee district, published once at least fifteen days before the commencement of the meeting of the county commission to which said application shall be made, and provided that the commission shall mail, by certified mail, a copy of the notice of the intention to form a district to the names listed on the county assessor's records of the owners of land or other individual or corporate franchise property in the district, including all public entities owning land within the district.

(RSMo 1939 § 12551, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10961; 1919 § 4653; 1909 § 5716

Effective 7-12-94

7/12/1994

245.305. Lands subject to overflow may be included in levee district. — Whenever the board of directors of any levee district shall, by petition, show to the county commission or other legislative body of the county in which said levee district is situated that there are lands in said county which are subject to overflow, and inundation from the same rivers, crevasses, or bayous as other lands included in said district, and which said lands are not included in said levee district, and asking that said lands be incorporated in said district, the county commission or other legislative body shall cause notice to be given to such landowners requiring them to appear at the next regular meeting of said commission or other legislative body and show cause why such lands should not be incorporated into said levee district, and at the next regular meeting the commission or other legislative body shall proceed to hear and determine the matter; and if it shall appear that such lands are subject to overflow and inundation from the same rivers, bayous and crevasses as the lands in said district, the commission or other legislative body shall make an order incorporating such lands into said levee district, and the assessor shall assess the benefits to said lands to be derived from the building of levees constructed or to be constructed by said levee district, in the same manner, and the board of equalization shall act upon the same in the same manner as heretofore provided in sections [245.285 to 245.545](#); provided, that if the owner of any such lands be a nonresident of the county, he may be notified by registered mail to the address used by the county assessor for tax purposes.

(RSMo 1939 § 12597, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 11007; 1919 § 4699; 1909 § 5762

Effective 7-12-94

7/12/1994

245.310. Extending levees and levee districts. — If at any time it becomes necessary or expedient to extend a levee, not exceeding ten miles, in levee districts already organized, or to enlarge any levee district for the purpose of extending any levee therein to be constructed, in order to better protect such district from overflow, and if a petition of not less than five landowners, of the district, be presented to the county commission, requesting the same, the said county commission shall call a meeting of the landowners of the district and of the landowners in the territory sought to be connected with the district, in accordance with the prayer of the petitioner, at some convenient point to the said territory, by giving due notice as required in section [245.460](#), and at such meeting an estimate of the costs of the proposed new work made by an engineer, must be laid before the meeting, and the landowners present shall then

determine, by the majority of the votes cast, whether such proposed new territory shall be added, and also whether the proposed new work shall be done. But said vote may be cast by the landowners present, or by agent or proxy, representing them. And if it is determined to add the new territory or to extend the levee in districts already organized, there shall be a readjustment of the taxes for benefits, and the county assessor shall proceed to assess the benefits to all of the land in the district that will be benefitted by the proposed work; and the board of equalization shall act upon the same, and all the assessments, levying of taxes and the collecting of the same shall be proceeded with in the same manner as in the case of organizing a new district.

(RSMo 1939 § 12595)

Prior revisions: 1929 § 11005; 1919 § 4697; 1909 § 5760

8/28/1939



245.315. Existing levee districts may organize under this law. — Any levee district now organized or existing under the provisions of any other law of this state either general, special or local law, may elect in the manner herein provided to be and become organized under the provisions of sections [245.285 to 245.545](#); provided, that no such election or change of organization shall have the effect to repudiate or to permit the repudiation of any indebtedness or liability of such levee district which was made or incurred under its former organization, but all such indebtedness or liability shall attach to and become the debt or liability of the new organization till the same is fully paid off and discharged and all debts owing to, and all rights, privileges and immunities held or enjoyed by the old district under its former organization, shall be held and enjoyed by the new district when the same shall reorganize under the provisions of sections [245.285 to 245.545](#).

(RSMo 1939 § 12599)

Prior revisions: 1929 § 11009; 1919 § 4701

8/28/1939

245.320. Change of organization to be submitted to an election. — 1. Any such levee district now existing but not organized under sections [245.285 to 245.545](#) may become organized under sections [245.285 to 245.545](#), and when so organized hereunder, shall be entitled to the benefit of all of the provisions of sections [245.285 to 245.545](#) in the following manner: Upon the presentation of a petition of not less than ten resident landowners whose lands are taxed in such district proposing to reorganize, or if such district shall be composed of lands lying in more than one

county, then upon the presentation of a petition of ten such resident taxed landowners, from each of the counties in which the lands in such district are situate, to the board of directors, supervisors or managers of such district (by whatever name they may be known) requesting the submission to an election of the question of a change of organization, such board of directors shall enter upon the record of the district proposing to change its organization, the fact of the presentation of the petition, the object thereof, and the names and residences of the petitioners requesting that such election be held; such board of directors, if a majority thereof are in favor of such change, shall make an order that the question of such proposed change shall be submitted to a vote of the landowners.

2. A certified copy of the record of the board of directors, together with a true certified copy of the petition of the landowners, shall be presented to the county commission of the county in which such district is situated, at some regular term thereof, or to each of the county commissions of the counties composing such district, if there be more than one county therein. Upon the receipt of the record at any regular term the county commission, or commissions, shall make an order that an election be held in the district, or in each county in the district, if there be more than one county, for the purpose of voting upon the question of the proposed change. This election shall be held not more than sixty days after the same shall be ordered. No one shall be a qualified voter at such election unless his or her name shall appear as an assessed landowner upon the current tax books of the district. Each such landowner shall be entitled to cast as many votes as he or she shall have acres of land assessed for taxation in the district as shown by the said tax books of the district. Voters may vote in person or by proxy; provided, that all proxies shall be in writing and acknowledged as deeds of conveyance are required to be acknowledged. The election shall be held at the county seat of the county or counties composing the district, but the same need not be held on the same day in each county, if there be more than one.

3. Four judges and two clerks of election shall be appointed for each county in the district by the board of directors of the district seeking the change of organization, by and with the consent of the county commission. Notice of said election shall be given by publication in some newspaper published in the county in which the election is held for at least four insertions prior to the holding of the same. The judges and clerks of election shall be sworn in the manner now required by law for the holding of municipal elections. The judges and clerks of election shall certify to the county commission of the county wherein such election was held the result thereof, which certificates shall show the votes for and against the proposed change of organization.

(RSMo 1939 § 12600)

Prior revisions: 1929 § 11010; 1919 § 4702

8/28/1939

245.325. Simple majority to decide election. — Should a majority of the votes of those voting upon the proposition be in favor of the change, the proposed change shall be deemed carried and the same shall be made, and the new district named and formed, and directors therefor appointed as provided in sections [245.300](#) and [245.335](#). The notice required by law to be given by said section [245.300](#) when the laying out of a new district is sought to be had shall be made and given, with such changes therein, as the circumstances shall require.

(RSMo 1939 § 12601)

Prior revisions: 1929 § 11011; 1919 § 4703

8/28/1939



245.330. Effect of reorganization of old districts. — The action taken by the county commission in reorganizing an old district under sections [245.285 to 245.545](#), when such organization shall have been ordered under the provisions of sections [245.285 to 245.545](#), shall have in all ways and respects the same force and effect in law, as would the organization of a new district under the provisions of said sections [245.300](#) and [245.335](#), and the new district thus formed from the old one which existed under a different, general, local or special law, shall thereafter have all of the rights, privileges and immunities, and shall be authorized to exercise the same powers as would any new district originally organized under sections [245.285 to 245.545](#); provided, that such district changing its organization under the provisions of sections [245.285 to 245.545](#), shall take up the work of building, maintaining and repairing levees, and other similar improvements, where the old organization stopped; and provided, that the procedure of the new district thus formed shall after its organization proceed in conformity with the provisions of sections [245.285 to 245.545](#) as to work and acts thereafter to be done by the new district.

(RSMo 1939 § 12602)

Prior revisions: 1929 § 11012; 1919 § 4704

8/28/1939

245.335. Board of directors of levees appointed by county commission. — At the term of the county commission at which said levee district may be laid off, or at any

subsequent term thereof, the said commission shall appoint three directors of levees, who shall be landholders within the county for the levee district of which the county is the whole or part thereof, one of which directors shall hold his said office for the term of one year, one for the term of two years, and one for the term of three years, and until their successors are duly appointed and qualified; and the said commission shall annually thereafter appoint one director to take the place of the director whose official term expires, possessing the same qualifications as the director first appointed, who shall hold his office for the term of three years.

(RSMo 1939 § 12552)

Prior revisions: 1929 § 10962; 1919 § 4654; 1909 § 5717

8/28/1939

245.340. Oath of directors. — Said directors shall, before entering upon their duties, take and subscribe the oath prescribed by the constitution of this state, and that they will faithfully, honestly and impartially discharge their duties as directors, according to law, which oath shall be filed in the office of the county in which said directors may be appointed.

(RSMo 1939 § 12553)

Prior revisions: 1929 § 10963; 1919 § 4655; 1909 § 5718

8/28/1939



245.345. Board to organize. — The directors appointed under the provisions of sections [245.285](#) to [245.545](#), shall call a meeting of their body at such time and place as may be designated by the directors of the county in which the larger part of the levee district may lie. Said body shall be known and designated as the "board of directors of levee district No. _____, lying in the counties of _____". Said board of directors shall organize by electing a president, vice president and secretary, all of whom shall be members of said board, and such other officers, agents and servants as said board of directors shall deem necessary to carry out the provisions of sections [245.285](#) to [245.545](#).

(RSMo 1939 § 12554)

Prior revisions: 1929 § 10964; 1919 § 4656; 1909 § 5719

8/28/1939

245.350. Majority of board a quorum. — A majority of said board of directors shall constitute a quorum for the transaction of the business of the board. All permanent vacancies in said board of directors, caused by death, resignation, removal from the county where appointed, or refusal to serve, shall be filled by the county commission of the county in which the vacancy occurs.

(RSMo 1939 § 12585)

Prior revisions: 1929 § 10995; 1919 § 4687; 1909 § 5750

8/28/1939

245.355. Duties of president and secretary. — The president of the board of directors shall preside at all meetings thereof; he shall sign the minutes and record of the proceedings of the board, and all warrants that may be drawn upon the treasurer by order of the board of directors for the payment of any money out of the treasury upon account of the levee fund of the district, and in general may do all acts and things that the said board may empower and authorize him to perform; and in his absence from any of the meetings of said board, the vice president shall preside and perform all the duties which have been conferred upon the president. In the absence of both the president and vice president at any meeting of the board, said board shall appoint one of their number to preside at such meeting, and the person so appointed shall have the same power and authority as has been conferred by law and by order of the said board upon the president. The secretary of said board of directors shall make out and safely keep a true and complete record of the proceedings of said board, in a book to be furnished for that purpose. He shall draw and attest all warrants on the treasurer for all moneys ordered by the board of directors to be paid out of the levee fund, and perform such other acts and duties as may be prescribed by such board.

(RSMo 1939 § 12555)

Prior revisions: 1929 § 10965; 1919 § 4657; 1909 § 5720

8/28/1939



245.360. Pay of directors. — Each director attending a meeting of said board of directors shall be entitled to receive for his services for each day actually engaged in holding meetings of said board, the same per diem and mileage as allowed by law to commissioners of county commissions for their services in holding county commission meetings.

(RSMo 1939 § 12583, A.L. 1986 H.B. 1554 Revision)

Prior revisions: 1929 § 10993; 1919 § 4685; 1909 § 5748

8/28/1986

245.365. Board to determine what work is necessary. — It shall be the duty of said board of directors to determine what work is necessary to be done, or levees to be constructed, to protect their district from overflow or inundations or from bank erosion, wash or cutting from rivers. Whenever said board of directors shall deem it necessary they shall cause accurate surveys, maps and profiles thereof to be made of levees or other works to be constructed or repaired, and estimates and calculation of the costs of such work to be made by some experienced, suitable and competent engineer, who shall make a written report of the same, showing the amount, character and kind of work to be done, the exact location and probable cost thereof, and return the same, with all plans and specifications, to the board of directors.

(RSMo 1939 § 12560)

Prior revisions: 1929 § 10970; 1919 § 4662; 1909 § 5725

8/28/1939

245.370. Work to be let to lowest bidder. — If it shall be decided at said meeting in the manner aforesaid, to do said work, the directors shall proceed to let the same out to the lowest and best bidder; provided, however, that said directors shall have the right to reject all bids, if the same be deemed too high. No director shall, either directly or indirectly, become a contractor for the building or repairing of any levee or public work contemplated by sections [245.285](#) to [245.545](#), nor have any interest therein, present or remote; and any director so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years.

(RSMo 1939 § 12568)

Prior revisions: 1929 § 10978; 1919 § 4670; 1909 § 5733

8/28/1939



245.375. Contractors to give bond. — The contractors shall give bond to said board of directors, with good and sufficient security, in a sum sufficient to secure the prompt execution of their contract, conditioned to pay any damages which shall result to the landholders of said district from a failure to perform their said contracts, or by reason of negligent performance of the same.

(RSMo 1939 § 12574)

Prior revisions: 1929 § 10984; 1919 § 4676; 1909 § 5739

8/28/1939

245.380. Board to supervise work. — Said work shall be done by said contractors under the supervision of said board of directors, or any engineer or engineers to be selected by them for that purpose, and when completed, if performed according to the terms of their contract and the plans and specifications submitted to said meeting of landholders, shall be received and accepted by said board of directors.

(RSMo 1939 § 12575)

Prior revisions: 1929 § 10985; 1919 § 4677; 1909 § 5740

8/28/1939

245.385. Board to secure right-of-way. — Before said work is let under contract said board of directors shall procure the right-of-way over all lands belonging to private persons and right-of-way or roadbed of any railway corporation and any other private or public corporation, and in case they cannot get a gratuitous relinquishment of such right-of-way, or in case said board of directors or the engineer, attorney or agent of said board of directors are unable to agree with the owner of said lands as to the amount of compensation to be paid such owner for said right-of-way, they shall proceed to condemn such, and all lands necessary for a right-of-way for such levee, or any extension thereof, according to the provisions of [chapter 523](#).

(RSMo 1939 § 12570)

Prior revisions: 1929 § 10980; 1919 § 4672; 1909 § 5735

8/28/1939



245.390. Board to act with United States agencies. — Said board of directors is hereby authorized and empowered to treat, contract and negotiate with what is known as the Mississippi River Commission, heretofore created by an act of the Congress of the United States, or with any other agency of the United States government, for the purpose of securing the construction, repair and maintenance of the levees within their levee district, or the aid, assistance or cooperation of said river commission or other agency in the construction, repair and maintenance of said levee or line of levee, or any part thereof, and to this end said board of directors may turn over to said Mississippi River Commission or other agency the use and control of any part of its line of levee or the whole of said line; may place its officers, servants and agents at the disposal of and under the direction of said Mississippi River Commission or other agency; may take in charge and superintend contracts for levee building and the building of the same, and

generally shall have full power, authority and discretion to enter into any and all arrangements, contracts and agreements with said Mississippi River Commission or other agency of the United States government that will secure the construction of the levee and protection of the levee district from overflows and inundations from rivers, by said Mississippi River Commission or other agency, or their cooperation in such construction and protection.

(RSMo 1939 § 12576)

Prior revisions: 1929 § 10986; 1919 § 4678; 1909 § 5741

8/28/1939

245.395. Board to publish statement of work done. — Said board of directors shall, at their first meeting after the expiration of one year from date of their organization, and annually thereafter make and publish in some newspaper published in the county composing the levee district, and when composed of two or more counties, then in each county lying in such district, a full and complete statement of the amount and kind of levee work done in the district, with amount of money collected and disbursed during the preceding year, showing from what officer and what account any money has been received, and to what individuals and on what account any money has been paid, and shall strike a balance showing a deficit, if any, or the balance in the treasury, if any.

(RSMo 1939 § 12586)

Prior revisions: 1929 § 10996; 1919 § 4688; 1909 § 5751

8/28/1939

245.400. Board may change location of levee. — In case any emergency should arise rendering it necessary, or in case the board of levee directors deem it expedient to change the location of the levee first agreed upon, or at any time to extend the same for a short distance to a location which they believe would furnish a better place of termination thereof, the said board of levee directors shall have power to make such changes or extensions.

(RSMo 1939 § 12579)

Prior revisions: 1929 § 10989; 1919 § 4681; 1909 § 5744

8/28/1939



245.405. Levees may be used as roadbeds and roadbeds may be used as levees. — Said board of directors is hereby authorized and empowered to contract upon terms of reasonable compensation with any railroad corporation for the use and occupancy of levees of the district for the roadbed of such railroad corporations; and it shall be lawful for such board of directors to contract with any railroad corporation, for the use of their roadbed for levee purposes, and upon such terms as may be agreed upon by the parties they may contract and agree that such railroad company may construct their embankments to a sufficient height to prevent inundations over such embankments.

(RSMo 1939 § 12577)

Prior revisions: 1929 § 10987; 1919 § 4679; 1909 § 5742

8/28/1939

245.410. Duty of railroads, when levee passes along embankment. — Whenever the right-of-way shall be obtained as provided in section [245.385](#) over any right-of-way of any railroad, tramway or embankment, either by voluntary relinquishment of the same or by condemnation proceedings, it shall be the duty of such railway company or other person or corporation owning such embankment, to construct its roadbed or other embankment, as high as the top of such levee, without opening between the points connecting such levee and the railroad track, roadbed or other embankments, and in case any such person or corporation shall fail or refuse to so construct its embankment within six months after the building of such adjacent levee, such person or corporation shall be liable in damages for all injuries of every character sustained by such levee district, or any person by reason of its failure to so construct its embankment.

(RSMo 1939 § 12571)

Prior revisions: 1929 § 10981; 1919 § 4673; 1909 § 5736

8/28/1939

245.415. Railroads to continue levee. — Whenever a railroad passes over or along land in this state subject to overflow by any river or creek and such land is protected, or may be hereafter protected, by levees constructed to protect such land from overflows and such levees abut on or connect with the right-of-way of the railroad, it is hereby made the duty of any person, persons or corporations owning or operating railroads to continue and maintain the levee from the point where it approaches and abuts on the railroad right-of-way to the railroad embankment and to make the levee

connect therewith. And such continuation of levee shall be on a level with the top of the levee of the landowner as it abuts on the railroad right-of-way.

(RSMo 1939 § 12572)

Prior revisions: 1929 § 10982; 1919 § 4674; 1909 § 5737

8/28/1939



245.420. Landowner may continue levee to railroad grade and recover costs — notice to be given. — In case any person or corporation owning or operating any such railroad as mentioned in section [245.415](#) shall fail to continue and connect any such levee constructed by the abutting landowner within ninety days after receiving written notice to do so, and after the landowner's levee has been constructed and completed to the right-of-way of the railroad for a period of twenty days, then the landowner shall have the right to enter upon the right-of-way of such railroad for the purpose of continuing and constructing the said levee over and across the right-of-way to a connection with the railroad track or grade. And such landowner having so continued and constructed such levee across said right-of-way to the railroad track or grade as above provided may recover by suit against the person or company owning or operating the said railroad the full amount of the actual cost of so continuing and constructing the said levee on and across the right-of-way of the railroad, together with interest thereon and costs, which costs shall include attorney fee for plaintiff in the sum of twenty-five dollars.

(RSMo 1939 § 12573)

Prior revisions: 1929 § 10983; 1919 § 4675; 1909 § 5738

8/28/1939

245.430. Private roadways to have approaches. — No private road shall be permitted to cross any levee built under the provisions of sections [245.285](#) to [245.545](#), until the persons interested in and benefitted by said road shall build sufficient approaches on each side of said levee to permit the travel and use to which said road is subject without endangering said levee, and at the expense of such interested persons.

(RSMo 1939 § 12588)

Prior revisions: 1929 § 10998; 1919 § 4690; 1909 § 5753

8/28/1939

245.445. Board to assess levee fund tax. — As soon as any levee district shall have been organized, as aforesaid, and in order to defray the expenses of surveys and estimates of levees or other works and costs thereof, maintain and repair the same, and pay such officers, agents, servants and employees as may be entitled to compensation, the said board of directors may order the assessment of a tax on all the lands within the levee district to be benefitted, not to exceed ten mills on the dollar, on the valuation of the benefits thereon by reason of the work proposed or completed as returned by the assessor, and such tax may be assessed and levied for each and every year, and from year to year, whenever the board of directors may, from time to time, determine the same to be necessary; and all such taxes shall be a lien upon the lands in such districts until paid. In the event of a buyout of the lands of the district because of flood damage, in whole or in part, it shall be the responsibility of the entity acquiring any land within the district to satisfy in full any outstanding liens against the property acquired at the time of purchase. The amount of any outstanding lien for each parcel of property located within the district shall not exceed the property's proportional liability to the outstanding bond issue. And whenever said board of directors shall have, by resolution, ordered the assessment of a tax, the secretary of the board, under his official seal, shall cause a certified copy of said order to be transmitted to the clerk of the county commission in which said levee district shall be situated, and in case such levee district shall be situated in two or more counties, then to the clerk of the county commission of each county in which any portion of said district may be situated; and the said tax shall be extended on the tax books of the county on the real estate to be benefitted, situated in said levee district, in the same manner that other taxes are now extended, in a column under the head of "Levee Fund Tax", and shall be collected by the collector of the county in which the real estate is situated on which the tax is levied, at the same time the state and county taxes are collected, and when said tax shall be collected, the collector shall pay the same over to the treasurer of the county in which the greater portion of said levee district lies. All taxes assessed and levied under the provisions of sections [245.285](#) to [245.545](#), shall be collected in the same manner as provided by the general revenue law of the state for the collection of state and county revenue. All taxes not collected shall be returned delinquent at the same time and in the same manner as provided by the general revenue laws for the return of delinquent tax lists, and all writs for delinquent taxes assessed and levied, as aforesaid, shall be prosecuted in the name of the state of Missouri, at the same time, in the same manner and with like effect as writs are prosecuted under the general revenue laws of the state relating to the collection of delinquent and back taxes.

(RSMo 1939 § 12557, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10967; 1919 § 4659; 1909 § 5722

Effective 7-12-94

7/12/1994



245.450. Assessment of overflowed lands. — After the formation of any levee district under the provisions of sections [245.285 to 245.545](#), the county commission of the county in which such district lies, or when it lies in two or more counties, the county commission of each county in said district, shall cause the county assessor of their respective counties composing said levee district, at the first annual assessment to be made under the general revenue laws of the state, to assess the value of all lands in said levee district subject to overflow or inundation or endangered or liable to be endangered by bank erosion or wash from rivers, and to be benefitted by said work, having reference to the value of said lands without the work contemplated by sections [245.285 to 245.545](#), and shall assess the value thereof as improved by said work, in an assessment book to be provided for that purpose.

(RSMo 1939 § 12561)

Prior revisions: 1929 § 10971; 1919 § 4663; 1909 § 5726

8/28/1939

245.455. Lands to be entered on book for that purpose. — Said lands shall be entered upon said book in convenient subdivisions, as surveyed by United States deputy surveyors, with appropriate columns, showing the names of resident owners, and nonresident owners when known, of said lands, and of any person or persons holding recorded liens or encumbrances, if known to the assessor; also, the number of acres cleared and uncleared, as nearly as said assessor can ascertain the same without actual measurement, the value thereof as assessed by him, without the work, and the value thereof as improved by the work; provided, that no error in the description of any of said lands shall invalidate such assessment, if sufficient description is given to ascertain where the lands are situated.

(RSMo 1939 § 12562)

Prior revisions: 1929 § 10972; 1919 § 4664; 1909 § 5727

8/28/1939

245.460. Levee assessment books returned to whom — meeting of landowners. — Said assessment book shall be made out by the assessors of their respective counties in

the levee district, and a fair copy thereof shall be returned to the president of the board of directors of the levee district in which the assessments have been made, at the same time assessors are required, under the general revenue laws of the state, to make out and return to the county commission a copy of the assessor's book for state and county taxes, and shall file the original assessment book in the office of the clerk of the county commission of the county in which the assessment is made. Upon the filing of the copy or copies of the assessment book, as required by this section, the board of directors shall call a meeting of the landowners of said levee district at some place convenient to some part of said work or contemplated work, and shall give at least thirty days' notice of the time and place of said meeting and the purpose thereof, by advertisement in some newspaper published in the county composing the levee district, and when lying in two or more counties, then in some newspaper published in each of said counties. At such meeting the board of directors shall submit the reports, specifications, surveys, maps, profiles and estimates made by the engineers, together with the assessments, as returned by the county assessors, to said meeting for action, and requiring the owners of said lands and the holders of any lien thereon to show cause at said meeting why said lands should not be assessed with their proportional part of said work.

(RSMo 1939 § 12563, A.L. 1994 S.B. 633)

Prior revisions: 1929 § 10973; 1919 § 4665; 1909 § 5728

Effective 7-12-94

7/12/1994



245.465. County board of equalization to have jurisdiction over lands. — The county board of equalization shall have and receive the same jurisdiction over the lands taxed for the purposes in sections [245.285](#) to [245.545](#), specified, as conferred by the general laws of the state in the assessment of property for the state and county purposes, and complaints of all persons who think themselves aggrieved by the assessment of their lands shall be made at the same time required by the general revenue laws of the state. All corrections made in the assessment of lands by the county board of equalization shall be certified to the board of directors by the clerk of the county commission where such corrections are made.

(RSMo 1939 § 12569, A. 1949 S.B. 1085)

Prior revisions: 1929 § 10979; 1919 § 4671; 1909 § 5734

8/28/1949

245.470. Landowners to determine work to be done. — At such meeting the reports and estimates of the engineer and the assessment of the assessors shall be laid before the landowners present estimating the probable cost of said work, and the probable rate percent therefor on the valuation of the said lands as increased by the said work, and a vote shall be taken whether or not the work shall be done; provided, that any landowner in the district to be benefitted by the work may be represented and his vote cast at such meeting by his agent or attorney, and in order to determine whether such work shall be done it shall require a majority of the votes of the landowners of the district present in person or by proxy casting a vote in favor of the work, and at all meetings held under sections [245.285 to 245.545](#), every landowner may be represented and his vote cast for or against the work by his agent, attorney or proxy.

(RSMo 1939 § 12564)

Prior revisions: 1929 § 10974; 1919 § 4666; 1909 § 5729

8/28/1939

245.475. Board to order rate percent levee assessment — annual installment payments. — If it shall be decided to do the said work, it shall be competent for the directors to order the rate percent agreed upon for the cost of said work, to be paid in annual installments, in such amounts as may be convenient for the accomplishment of said work; otherwise the whole amount of said assessment of the rate percent shall be payable immediately upon the approval by the landowner of the agreed amount of rate percent, and shall be a lien upon the lands assessed within the district until paid, and shall bear interest at the rate of not to exceed eight percent per annum until paid, and such interest may be collected and enforced as part of the assessment or annual installment; said assessment or annual installment shall be levied and collected in the same manner as provided in section [245.445](#).

(RSMo 1939 § 12565)

Prior revisions: 1929 § 10975; 1919 § 4667; 1909 § 5730

8/28/1939



245.480. Additional taxes for enlarging and strengthening levee. — Whenever the board of directors of any levee district shall ascertain that the levees constructed by said district are insufficient, from any cause, to afford complete protection from overflows, to the lands in said district, they may by resolution entered upon the record of said levee board call a meeting of the landowners of said levee district to be held at

some convenient place on the line of said levee, for the purpose of determining whether said levee shall be enlarged and strengthened; and they shall give the same notice as required in the case of calling a landowners' meeting in the organization of a new district, as provided by section [245.460](#), and at such meeting they shall lay before the landowners present an estimate of the cost of the proposed work of enlarging and strengthening said levee, made by an engineer, and a vote shall be taken at such meeting, by the landowners present, voting either by themselves or by proxy, whether an additional tax shall be levied and an additional percent of the assessed benefits expended for such purpose, and if a majority of the votes cast are in favor of such additional work the board shall proceed to construct the same and the additional taxes may be levied and apportionment of benefits made as herein provided.

(RSMo 1939 § 12603)

Prior revisions: 1929 § 11013; 1919 § 4705

8/28/1939

245.483. Construction or improvement of levees to protect lands in other districts — procedure — costs, how paid. — Whenever the board of directors of any district organized under sections [245.285](#) to [245.545](#) shall determine that the levees constructed by the district are insufficient from any cause to afford complete protection from overflows to the lands in the district, and whenever any such board determines that the construction of an additional levee or levees or the enlarging and strengthening of the existing levee or levees within the district would also afford additional protection to lands situated in another levee district or districts organized under sections [245.285](#) to [245.545](#), the board of directors may proceed to cause surveys, maps, and profiles of the proposed work of improvement and estimates of the cost of the work to be made by some experienced and competent engineer who shall make a written report, showing the amount, character, and kind of work to be done, the exact location and probable cost thereof, and return the same with all plans and specifications to the board of directors. Upon receipt of the report of the engineer and approval thereof by the board of directors, the board may direct that copies of the report be forwarded to the board of directors of each such other levee district, with the request that each such other board meet in joint session with the board of directors of the district in which the improvement is to be constructed for the purpose of determining the proportionate share of the cost of the improvement which should be borne by each district involved. When all such boards, in joint session, shall have agreed upon the proportion of the cost to be borne by each district involved, the board of each district shall thereupon proceed in the same manner as is now provided in section [245.480](#) to

call a landowners' meeting and to levy an additional tax and an additional percent of the assessed benefits expended for such purpose. Any proposal to levy an additional tax as provided in this section shall be approved by a majority in each district involved to become effective. The proceeds of any additional tax or the proceeds of any bonds which may be issued by any district for the purpose authorized in this section shall be transmitted to the treasurer of the levee district within which the contemplated improvements are to be constructed, and shall be placed in a separate fund and shall be used for no other purpose than to construct such improvements. Any sum remaining in the fund after the completion of the improvements shall be returned to the participating districts in proportion to the amount contributed by them. Any such board of directors shall have power to give such notice of the landowners' meeting as it may deem proper, in addition to the notice required by section [245.460](#).

(L. 1957 p. 586 § 245.281)

8/28/1957

245.485. Additional tax may be ordered when costs exceed estimates. — If it is found, by the county commission, after examining the expenditures of the levee district, that the cost of constructing the work will exceed the estimates made by the engineer, the commission may call a meeting of the landowners, upon giving the notice as before required in the case of organizing a new district; there shall be laid before them an estimate of the cost of the completion of the work, made by an engineer, and a vote shall be taken, at such meeting, by the landowners present, voting either by themselves or by proxy, whether an additional tax shall be levied for the purpose of completing the work, and if a majority of the votes cast are in favor of completing such work, the board shall proceed to complete the same and the additional taxes that may be levied and collected as herein provided.

(RSMo 1939 § 12596)

Prior revisions: 1929 § 11006; 1919 § 4698; 1909 § 5761

8/28/1939



245.490. Board may borrow money. — The directors may borrow money, not exceeding in amount the assessments or annual installments unpaid at the time of borrowing, for the construction of any work which they may be authorized to construct, or for the payment of any indebtedness that they may have lawfully incurred under the provisions of sections [245.285](#) to [245.545](#), and may secure the same by notes or bonds bearing interest at not exceeding eight percent per annum, and not

running longer than one year beyond the date of the payment of the assessment, or the last annual installment thereof, on account of which the money is borrowed; which notes or bonds shall not be held to make the directors personally liable for the money borrowed, but shall constitute a lien upon the assessments, or annual installments thereof, for the repayment of the principal and interest of said notes and bonds.

(RSMo 1939 § 12567)

Prior revisions: 1929 § 10977; 1919 § 4669; 1909 § 5732

CROSS REFERENCES:

Bond issues, proceeds of and moneys for interest and sinking funds to be kept separate, 108.180 to 108.230

Refunding bonds authorized, payment of, 108.140 to 108.160

8/28/1939

245.495. Board may issue warrants. — The board of directors may, at its option, in lieu of bonds, issue warrants on the county treasurer, payable out of the fund of the levee district, in payment of any indebtedness incurred, including the entire expenses of constructing the levee, repairing or extending the same.

(RSMo 1939 § 12556)

Prior revisions: 1929 § 10966; 1919 § 4658; 1909 § 5721

8/28/1939

245.500. Form of warrants. — The warrant thus drawn shall be in the following form, and shall be signed by the president of the board of directors and countersigned by the secretary:

Office of levee district No. _____

\$ _____ No. _____

To the treasurer of _____ County, Missouri:

Pay out of any money in the treasury belonging to said levee district, to _____, the sum of _____ dollars, with interest thereon at the rate of eight percent per annum from date of presentation to you for payment, until sufficient funds of said district are in the treasury to pay the same.

Done by order of the board of directors, this _____ day of _____, 20____.

_____, secretary. _____, president.

(RSMo 1939 § 12566)

Prior revisions: 1929 § 10976; 1919 § 4668; 1909 § 5731

8/28/1939



245.505. Sinking fund moneys may be invested. — Whenever there shall be any money belonging to any levee district set apart as a sinking fund for the payment of bonds, the board of directors of such district shall loan the same for the highest obtainable interest, not exceeding eight nor less than six percent per annum, and shall cause the same to be secured by mortgage or deed of trust on real estate, free from all liens and encumbrances, within the county, of the value of double the amount of the loan; and any other funds of said levee district may be deposited at the highest obtainable interest in some bank in the county wherein said district or any part thereof is situated, in the same manner as county school funds are deposited; provided, no such loan or deposit shall be made until the same shall be approved by the county commission of the county in which said district may be situated.

(RSMo 1939 § 12598)

Prior revisions: 1929 § 11008; 1919 § 4700; 1909 § 5763

CROSS REFERENCES:

Bi-state development agency, bonds of, investment in authorized, 70.377

Multinational banks, securities and obligations of, investment in, when, 409.950

Savings accounts in insured savings and loan associations, investment in authorized, 369.194

8/28/1939

245.515. County treasurer to be treasurer of board. — The county treasurer of the county in which the greater part of any organized levee district lies shall be the treasurer of the levee fund of the district, until paid out upon the warrants issued by order of the board of directors of the levee district. Before receiving any funds belonging to the levee district, the treasurer shall give a separate bond, with sufficient security, in double the probable amount of the levee fund that shall come into his hands, payable to the state of Missouri, to be approved by the board of directors, conditioned for the faithful disbursement, according to law, of all such moneys as shall, from time to time, come into his hands to the credit of the levee fund of the levee district of which the county of which he is treasurer is part; and such bond shall be filed in the office of the clerk of the county commission of the county in which said

treasurer is appointed or elected. On the forfeiture of such bond, it shall be the duty of the clerk of the county commission in whose office such bond is filed to collect the same for the use of the levee district. If such clerk shall neglect or refuse to prosecute, any resident of the district may cause prosecution to be instituted. It shall be the duty of the board of directors in no case to permit the county treasurer having the custody of the levee funds of the district to have in his possession at any one time an amount of levee funds over one-half the amount of the security available in the bond. Such treasurer shall be allowed such compensation for his services as the board of directors deems advisable, not to exceed one-half of one percent of all levee funds disbursed by him, and to be paid out of the levee funds.

(RSMo 1939 § 12559, A.L. 1990 H.B. 1070)

Prior revisions: 1929 § 10969; 1919 § 4661; 1909 § 5724

8/28/1990

245.520. Compensation of engineers and other officers and employees. — The engineer appointed by the board of directors, under the provisions of sections [245.285 to 245.545](#), shall receive for his services a sum not to exceed seventy-five dollars per month for the time he is actually employed in field or other work, under contract with said board of directors. The salaries of all other officers, not otherwise fixed by the provisions of sections [245.285 to 245.545](#), and the agents and employees of said board of directors, shall be fixed by said board, and such salaries, and all other necessary expenses incurred by said board of directors in carrying into effect the provisions of sections [245.285 to 245.545](#), shall be paid out of the levee fund of the district, upon proper warrant issued by order of the board of directors.

(RSMo 1939 § 12584)

Prior revisions: 1929 § 10994; 1919 § 4686; 1909 § 5749

8/28/1939

245.525. Herding livestock on levee prohibited. — It shall be unlawful for the owner of any livestock to allow the same to use and run upon any levee erected under the provisions of sections [245.285 to 245.545](#), or to herd any livestock upon said levee during overflows or high water; and whenever in the judgment of the inspectors of the levee, any livestock are likely to endanger the levee under their charge, the inspector of the section of levee where such damage is threatened shall notify the owner of such livestock liable to do such damage, and require him to remove such livestock; and every such owner who, after such notice, shall neglect or refuse to confine his or her stock, and keep them off the levees, shall pay a fine not less than twenty-five dollars

nor more than one hundred dollars for each and every act of disobedience to such notice, to be recovered at the suit of the inspector or his successor in office, in any court of competent jurisdiction; and the amount recovered and collected shall be paid into the county treasury to the credit of the levee fund of the district.

(RSMo 1939 § 12580)

Prior revisions: 1929 § 10990; 1919 § 4682; 1909 § 5745

8/28/1939

245.530. Penalty for failure of road overseers to keep road crossings in repair. — Any overseer who shall willfully fail or neglect to keep the public road crossings of any levee in his road district in good repair, so as to insure the safety of the levee, or who shall fail to repair such crossing when notified by the levee inspector in writing, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than fifty nor more than one hundred dollars for each offense, to be recovered by indictment or upon information before an associate circuit judge.

(RSMo 1939 § 12590)

Prior revisions: 1929 § 11000; 1919 § 4692; 1909 § 5755

8/28/1939

245.540. Commissions may appropriate swamplands. — The county commission of any county in which a levee district or a part of a district may be organized under the provisions of sections [245.285 to 245.545](#) may, for the purpose of constructing its levee, appropriate any of its unappropriated swamplands belonging to the county, and acquired under the provisions of an act of the Congress of the United States, entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits", approved September 28, 1850, and an act of the general assembly of the state of Missouri, entitled "An act donating certain swamp and overflowed lands to the counties in which they lie", approved March 3, 1851, and subsequent acts said lands to be received by the contractor at a price of not less than one dollar and twenty-five cents per acre.

(RSMo 1939 § 12593)

Prior revisions: 1929 § 11003; 1919 § 4695; 1909 § 5758

8/28/1939

245.545. Circuit judge to give penal sections in charge to grand jury. — It shall be the duty of the judge of the circuit court in any county where levees have been

constructed under the provisions of sections [245.285 to 245.545](#), to give the penal sections of this chapter in special charge to the grand jury of said county.

(RSMo 1939 § 12594)

Prior revisions: 1929 § 11004; 1919 § 4696; 1909 § 5759

8/28/1939

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