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BOATING ON BACK



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Ameren drafts plan to revise boundary

By Nancy Zoellner-Hogland

The public has until January 15 to submit comments to Ameren Missouri about the power company's proposal to revise its project boundary at Lake of the Ozarks. To gather input, answer questions and address property owners' concerns, Ameren will hold two public workshops. The first is scheduled for 6 to 8 p.m. January 3 at the Inn at the Grand Glaize in Osage Beach. Another meeting is set for 6 to 8 p.m. January 5 at the Lake West Christian Academy in Sunrise Beach.

The workshops are being held in response to the public outcry against the Federal Energy Regulation Commission's (FERC) ban on some 4,000 homes, decks, patios, gazebos and similar structures that are currently located inside Ameren's project boundary. The ruling was given as part of FERC's approval of Ameren Missouri's Shoreline Management Plan (SMP), which was required as part of the new 40-year license for the operation of Bagnell Dam and its electric generating facility.

Original numbers showed about 1,200 of those structures are homes. However, Jeff Green, supervisor of Shoreline Management for Ameren Missouri, said upon closer examination, the number is more like 1,600. Almost as many homes are below 662 as there are between 662 and the

current boundary, he said.

According to Green, Ameren is proposing to establish the project boundary at 662 for the majority of the Lake's shoreline. In areas where homes still fall inside project boundary, the elevation will be adjusted as needed to remove the dwellings. Project boundaries will not be changed at public recreation sites, historical sites, wetlands and state parks.

Green said since July, when FERC handed down the order, he and others have been working non-stop to prepare a response. They completed their answer and on December 15 mailed it out to stakeholders and posted in online at <http://www.ameren.com/sites/aeu/lakeoftheozarks/Pages/FERCProposal.aspx>.

"Now that we've finished the draft, we wanted to hold a couple more meetings so anyone with additional questions or who wants to meet face to face will have an opportunity to do that. We want to make sure that everything that needs to be addressed is," Green said. "In the meantime, we posted our proposal to FERC, as well as the map, on our website so people can read through it and also look at the map to see if they have issues - see if their properties are affected. We'll also have copies of both at the public meetings."

The aerial map is marked with a black dotted line that

marks the existing project boundary. The green dotted line represents the proposed project boundary of 662.

"Of course, just because we're submitting this plan doesn't mean it will be approved but we are hopeful that since removing these properties won't affect operation of the dam, FERC will agree to it," he said.

Although FERC gave Ameren until May 1, 2012 to resolve all "non-confirming structures and encroachments" within the project boundary, Green said they hope to resolve the matter by the end of the first quarter.

Those who can't attend the public meetings can still submit comments by email to lake@ameren.com; by calling 573-365-9203; or by writing to Project Boundary Comments, Ameren Missouri Shoreline Management, P.O. Box 993, Lake Ozark, MO 65049. Comments must be received by Jan. 15 to be included in the proposal to FERC.

Assessor says real estate tax could play a part in outcome

Camden County Assessor Eddie Whitworth said if the Federal Energy Regulatory Commission (FERC) doesn't accept Ameren Missouri's proposal to lower the project boundary, it could result in a precedent-setting court case.

"Currently, Ameren is paying real estate taxes up to the variable water line -

typically about 660, which is considered 'full pool.' Individual lakefront property owners are assessed on property from the water line to the edge of their property. In a case of adverse possession, typically who is paying the taxes is not one of the criteria but courts have always held that as a strong indicator of ownership," he said.

In an earlier interview, Osage Beach attorney Gayle Troutwine, who specializes in real estate matters and class action suits, explained the doctrine of adverse possession, a law usually referred to as "squatting's rights."

"Basically, it gives the original property owner, which in this case would be Ameren, 10 years to act before losing the right to enforce any restrictions. It has a lot of criteria that must be met, but it definitely could be an option," she said. "However, it's also important to keep in mind because Ameren wears a special cloak that shields them with extra power and because FERC (Federal Energy Regulatory Commission) is involved, it might play out differently."

She said although Missouri law stipulates that utility companies are not subject to the doctrine of adverse possession, the law looks at the easements for underground lines and overhead wires. It does not address floodplain.

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