

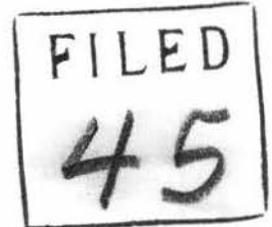
DEPARTMENT OF PUBLIC
HEALTH AND WELFARE:
CONVEYANCE OF RIGHT-OF-WAY:

The director of the Department of Public Health and Welfare has authority to convey to the State Highway Commission right-of-way needed for a state highway through real estate in which title is vested in said Director as trustee for the State of Missouri.

October 17, 1950

FILED NO. 45

Honorable W. Ed. Jameson
Director, Department of
Public Health and Welfare
Jefferson City, Missouri



Dear Sir:

This will acknowledge receipt of your request for an official opinion by this department upon the question of whether or not the attached highway right-of-way deed is in proper form and within your authority to execute.

Laws of Missouri 1945, page 1464, Section 8759a provides as follows:

"The State of Missouri, and all departments, boards, commissions, bureaus, institutions, public agencies and political subdivisions thereof, holding title to or having an interest in real estate, or having administrative jurisdiction and control of real estate or other property, are hereby authorized and empowered to give, grant and convey to or for the use of the State Highway Commission of Missouri such rights-of-way or other easements and appurtenances in said real estate or property as may be necessary for the proper and economical construction or maintenance of state highways."

Laws of Missouri 1945, page 945, Section 10, provides as follows:

"Title to all state property, real and personal, assigned to, or held, occupied and controlled by the Department of Public Health and Welfare, and the various divisions thereof, in the performance and administration of its or their various powers and functions hereunder shall vest successively in each incumbent Director of Public Health and Welfare, as trustee, for and on behalf of the state of Missouri."

Hon. W. Ed. Jameson

Laws of Missouri 1945, page 945, Section 13 provides, in part, as follows:

" * * *The Cancer Commission of the State of Missouri, as established by Chapter 125, Revised Statutes of Missouri, 1939, as amended, is hereby assigned to the division of health in the department of public health and welfare."

We have been informed by you that the property conveyed by the deed is part of the real estate belonging to the Cancer Commission of the State of Missouri.

The form of conveyance is conventional except that it contains a relinquishment of right of direct access from your abutting property. You have informed us that this provision is satisfactory to you and is necessary in order to enable the highway department to build a limited access highway in accordance with its plans.

CONCLUSION

It is the conclusion of this department that by virtue of the authority of Laws of Missouri 1945, page 1464, you have authority to convey to the State Highway Commission of Missouri the right-of-way described in the enclosed deed, and that said deed is in proper legal form.

Respectfully submitted,

APPROVED:

STEPHEN J. MILLETT
Assistant Attorney General

J. E. TAYLOR
Attorney General