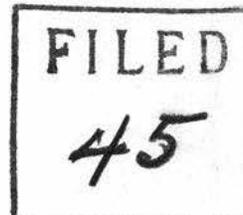


PUBLIC HEALTH AND WELFARE: Director of Department of Public
STATE HIGHWAY DEPARTMENT: Health and Welfare may convey land
of said department to State Highway
Department for right-of-way purposes.

April 12, 1951

4-12-51

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



Dear Mr. Jameson:

Your recent letter requesting an official opinion of
this department reads as follows:

"I am enclosing a letter which I have
received from the State Highway Depart-
ment in regard to the conveyance of a
tract of land in Buchanan County to that
Department for right-of-way.

"Is it your opinion that I have the
authority to convey this right-of-way
without the specific authorization of
the Legislature by virtue of the general
authorization given in Section 227.130,
R. S. Mo., 1949."

Section 191.120, RSMo 1949, provides:

"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 divi-
sions thereof, in the performance and ad-
ministration of its or their various powers
and functions hereunder, shall vest suc-
cessively in each incumbent director of
public health and welfare, as trustee, for
and on behalf of the state of Missouri."

We assume that the tract of land lying in Buchanan County
to which you refer in your request is held, occupied and con-
trolled by the Department of Public Health and Welfare or one

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of the various divisions thereof, and that title thereto is vested in you, Director of the Department of Public Health and Welfare, as trustee for and on behalf of the State of Missouri. This tract of land is now sought by the State Highway Department for a right-of-way.

Section 227.130, RSMo 1949, provides:

"The state of Missouri, and all departments, boards, commissions, bureaus, institutions, public agencies and political subdivisions thereof, holding title to 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 right of ways 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."

Title to the tract of land in question is vested in you as Director of the Department of Public Health and Welfare. Section 227.130, supra, authorizes the Department to give, grant and convey to or for the use of the state highway commission of Missouri such right of ways or other easements and appurtenances in this tract of land as may be necessary for the proper and economical construction or maintenance of state highways. It is, therefore, our opinion that specific authorization by the Legislature is not necessary to authorize the conveyance under discussion as the general authorization given in Section 227.130, supra, is sufficient.

CONCLUSION

It is, therefore, the opinion of this department that the Director of the Department of Public Health and Welfare is authorized by Section 227.130, RSMo 1949, to give, grant and convey to the State Highway Commission of Missouri such

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right of ways or other easements and appurtenances in land of the Department of Public Health and Welfare or one of the various divisions thereof, as may be necessary for the proper and economical construction or maintenance of state highways, title to which land is held by said Director as trustee, for and on behalf of the State of Missouri. No specific authorization by the Legislature for such transfer is necessary.

Respectfully submitted,

RICHARD H. VOSS
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

RHV:VLM