

March 6, 1962



Honorable Rolin T. Boulware
Prosecuting Attorney
Shelby County
Shelbyville, Missouri

Dear Mr. Boulware:

This refers to your letters of January 22 and 30, 1962, requesting an opinion concerning the proposed sale by the county court of your county of a portion of the site of the County Infirmary and the proposed purchase of other land which is now being used as part of an airplane landing field.

Section 49.270, RSMo 1959, mentioned in your letters, provides the authority for the county court to sell the land which it regards as being no longer needed for county purposes. In this connection we are enclosing copies of prior opinions of this office furnished to Charles E. Murrell, Jr., on March 19, 1951 and to J. R. Gideon, on February 18, 1949.

Sections 305.180 to 305.220, RSMo 1959, authorize counties to establish airports and airplane landing fields and to purchase land for this purpose. However, we should point out that we have doubt whether the proposed purchase of land described in your letters is authorized by these statutory provisions under the apparent present facts.

We have not been advised that the county court of your county has taken any action to establish and operate a county airport or landing field as contemplated by such statutory provisions. Rather, there is some indication in your letters that the present landing field is purely a private venture, with the county having no connection with the landing field except that a lessee has seen fit to use for this purpose some land which he has leased from the county; and it appears that the additional land might properly be regarded as

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being in furtherance of this private venture, rather than for authorized county purposes, under the present facts.

On the other hand, it appears that the factual situation possibly could be changed so that the landing field would be one established and operated as authorized by Sections 305.180 to 305.220. In this connection, we note that Section 305.210 provides that a county "may by franchise or contract authorize others, in whole or in part, to construct, equip, maintain, and operate" an airport or landing field established by the county.

We trust that this letter will be of assistance to you in disposing of this problem.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

JCB lc

2 enclosures