

September 9, 1963



Honorable Walter L. Meyer
State Representative
Fourth District
St. Louis County
9495 Yorktown Drive
Bellefontaine Neighbors 37, Missouri

Dear Mr. Meyer:

You have requested this office for an opinion concerning the right and power of the City of Bellefontaine Neighbors, a city of the fourth class, to construct a flood wall project to protect the city from possible flooding of the Mississippi river.

It would appear that Sections 79.390 and 79.470, RSMo 1959, contain a grant of power to cities of the fourth class which is broad enough to authorize the flood wall project.

Relating to the power of condemnation, Section 88.667, RSMo 1959, grants fourth class cities power to condemn private property, and Section 88.077, RSMo 1959, authorizes all cities to condemn private property outside the city limits for authorized purposes.

Section 95.405, RSMo 1959, authorizes cities of the fourth class to issue bonds for "other improvements." This language probably would be broad enough to cover the proposed flood wall project.

With reference to your inquiry concerning cooperation with the federal government in this project, this would be authorized under Chapter 70 of the Revised Statutes of Missouri, 1959.

We sincerely hope that these citations and suggestions will be of assistance to the City Attorney of Bellefontaine

Honorable Walter L. Meyer

#2

Neighbors in reaching a conclusion and determination of the problems you present. We also enclose herewith a copy of an opinion dated July 3, 1957, to William A. Geary, Jr., and copy of an opinion dated April 18, 1956, to Haskell Holman. We believe these opinions may shed some light on this problem.

If, as you intimate, the city contemplates the issuance of bonds, then in the final analysis the problem must be passed upon by the city's bond attorney. We suggest that it would be entirely appropriate to submit these problems for final determination by the city's bond attorney.

We do hope that the foregoing information and suggestions will be of aid and assistance to you and to the officials of the City of Bellefontaine Neighbors.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

By

J. Gordon Siddens
Assistant Attorney General

JGS:ml
Encs (2)