

OPINION NO. 212
ANSWERED BY LETTER
(Chitwood)

June 15, 1964



Honorable Douglas Mahnkey
Prosecuting Attorney
Taney County
Forsyth, Missouri

Dear Mr. Mahnkey:

This office is in receipt of your request for a legal opinion, reading in part as follows:

"We voted on a bond issue for an airport in Taney County on May 19th and it was defeated by a small vote. The opposition came from two townships in the Eastern part of our County. The Commission would like to know if it is possible to organize an Airport District similar to the Drainage Districts and Road Districts and other districts in Missouri. If we could organize such a district, we could include the part of the County that is interested in the airport."

No explanation is given in your letter of the intended meaning of "airport district" other than the reference to the organization of an "Airport District similar to the Drainage Districts and Road Districts and other districts in Missouri."

While there are specific statutes on the procedure for the organization of both drainage and road districts, none of these statutes have any application to or bearing upon the organization of the so-called "airport districts", and we find it unnecessary to refer to any of said statutes.

We understand your inquiry to be whether or not it is (legally) possible to organize an "airport district" in your county for the purpose of establishing and operating an airport in said "airport district".

Sections 305.170 to 305.270, RSMo 1959, inclusive, is the statutory law of this state pertaining to airports.

Section 305.170, RSMo 1959, authorizes cities, villages, and towns to operate airports and reads as follows:

"The local legislative body of any city, including cities under special charter, village or town in this state is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, in whole or in part, a one or jointly or concurrently with others, airports or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages, or towns, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town."

Section 305.180, RSMo 1959, authorizes counties to operate airports, the same as cities, villages and towns, as provided by Section 305.170, supra, except that counties can establish and operate airports only within the boundaries of such counties.

The terms "airport districts" have not been defined nor have they been expressly or impliedly referred to in Sections 305.170 to 305.270, RSMo 1959, the "airport law of Missouri", and "airport districts" are legally non-existent in said law.

Honorable Douglas Mahnkey

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Cities, villages, towns and counties are the only political subdivisions of the state which have been authorized to establish and operate airports, as will be noted from the provisions of Sections 305.170 and 305.180, RSMo 1959.

Therefore, in answer to the inquiry of the opinion request, it is our thought that under provisions of the Missouri Statutes, referred to above, it is (legally) impossible to organize an "airport district" in your county, for the purpose of establishing and operating an airport in said "airport district".

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PNC:bjj