

Opinion No. 401  
Answered by Letter  
(Randolph)

December 17, 1964

Honorable Charles H. Baker  
Prosecuting Attorney  
Dunklin County  
Kennett, Missouri



Dear Mr. Baker:

You have requested copies of opinions of this office to C. E. Murrell of March 19, 1951 and J. R. Gideon of February 18, 1949. The opinion to C. E. Murrell has been withdrawn and is no longer in effect. We enclose a copy of the opinion to J. R. Gideon.

The specific problem set out in your letter is:

"\* \* \* whether the county has the authority to grant to the United States Government a perpetual easement for the erection, maintenance and operation of a line or lines of poles, towers, or other wires, cables and such for the transmission of electric current and, if so, whether the grant should be by the County Court or by a special commission appointed to make the conveyance."

According to the opinion to J. R. Gideon, a county court has the power and authority to convey real estate belonging to the county. Such conveyance can be made by the court itself without the appointment of a commissioner. Section 49.270, RSMo. authorizes the county court "to sell and cause to be conveyed any real estate, goods or chattels belonging to the county \* \* \*". The case of Odell v. Pile, 260 SW2d 521, decided by the Supreme Court of Missouri in 1953, held that a county court was authorized to grant an easement, pursuant to the above cited section of the statutes. We feel therefore

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that the county court may grant to the United States Government the described easement and the conveyance of such grant can be made by the court itself without the appointment of a commissioner. It is assumed that the easement would not be prejudicial to any purpose to which the land involved may have been heretofore dedicated.

Very truly yours,

THOMAS F. EAGLETON  
Attorney General

DLR:kd  
Enclosure