

(Answer by Letter) Klaffenbach

OPINION LETTER NO. 459

August 21, 1970



Honorable Carl D. Gum
Prosecuting Attorney
Cass County Court House
Harrisonville, Missouri 64701

Dear Mr. Gum:

This letter is in response to your opinion request asking:

"Can the governing body of a township convey property owned by the township for no consideration or nominal consideration to an existing fire district?"

We are enclosing herewith our Opinion No. 42 dated August 19, 1948, to Mr. Marvin C. Hopper in which we held that a county court does not have the power to give a bridge on an abandoned county highway to a special road district in another county, or to sell such a bridge to such road district for a nominal consideration.

We believe that the same principle applies in this instance and as a result it is our view that a township, although a corporate body, does not have the power to convey real property to a fire protection district for no consideration or for a nominal consideration.

We note, however, that the powers of such townships are set out in Section 65.260, RSMo 1969, and Subsection (4) thereof states that each township shall have power and capacity:

"To make such orders for the disposition, regulation or use of its corporate property as may be conducive to the interest of the inhabitants thereof; . . ."

Honorable Carl D. Gum

In our Opinion No. 11 dated May 29, 1963, to Mr. J. W. Colley, copy enclosed, we construed this subsection and concluded that it authorized the sale of a township nursing home to the county if such disposition is conducive to the interest of the inhabitants of the townships.

Although the quoted provisions of Subsection (4) indicate that the consideration need not be in a monetary form we nevertheless find no authority to permit a conveyance for no consideration or for a nominal consideration.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosures:

Op. No. 42
8-19-48, Hopper

Op. No. 11
5-29-63, Colley