

August 23, 1971

OPINION LETTER NO. 396
Answer by Letter - Klaffenbach

Mr. Robert E. Myers
State Land Surveyor
Missouri State Land Survey
Authority
P. O. Box 1158
Rolla, Missouri 65401



Dear Mr. Myers:

This letter is in answer to your opinion request in which you ask whether the State Land Survey Authority, Section 60.500, RSMo 1969, et seq., is the "duly authorized state agency" under Section 60.460, RSMo 1969, having authority to modify the one-half mile limitation provision with respect to the coordinate system. Section 60.460 provides:

"No coordinates based on the Missouri coordinate system, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless the point is within one-half mile of a triangulation or traverse station established in conformity with the standards prescribed in section 60.450; provided, that the one-half mile limitation may be modified by a duly authorized state agency to meet local conditions."

We find no express provision authorizing the State Land Survey Authority or any other agency to modify the one-half mile limitation and although this is possibly an unintentional omission on the part of the legislature we are of the view that we cannot supply the deficiency by implication from the powers given the State Land Survey Authority under Section 60.510, RSMo 1969.

Mr. Robert E. Myers

That is, Section 60.460 requires that the agency be "duly authorized" and it is our view in this context that this means expressly authorized by the state legislature.

It is therefore our view that the State Land Survey Authority has no power to modify the one-half mile limitation found in Section 60.460, RSMo 1969.

Very truly yours,

JOHN C. DANFORTH
Attorney General