



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

September 15, 1972

OPINION LETTER NO. 185

Mr. Joseph Jaeger, Jr.
Director of State
State Park Board
Post Office Box 176
Jefferson City, Missouri 65101

Dear Mr. Jaeger:

You have requested my opinion on the following question:

"Does the Missouri State Park Board have the legal authority to permit the Internal Revenue Service to store seized vehicles on certain lands under its jurisdiction and to permit the service to advertise for bids for the sale of these vehicles while so stored?"

You also state that the lands involved are part of the Lake of the Ozarks State Park and that the Internal Revenue Service desires to utilize the enclosed lot of the Central Warehouse at such park for temporary storage of motor vehicles pending sale upon competitive bid by the Service.

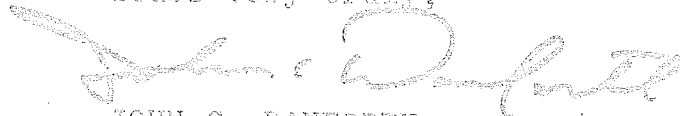
The lands forming the Lake of the Ozarks State Park were conveyed to the state of Missouri from the United States of America by quitclaim deed dated October 10, 1946. The deed was made subject to "the express condition that the state of Missouri shall use the said property exclusively for public park, recreational, and conservation purposes" and with provision for reverter of title and right to possession to the United States "upon a finding by the Secretary of the Interior, after notice to the state of Missouri and after opportunity for a hearing, that the said state has not complied with the aforesaid condition during a period of more than three years, which finding shall be final [and] conclusive." These conditions literally conform with the terms of the enabling legislation. Act of June 6, 1940, 56 Stat. 327, 16 U.S.C. §§ 459r-459t.

Mr. Joseph Jaeger, Jr.

We doubt that the storage of vehicles seized by the Internal Revenue Service is a "public park, recreational and conservation purpose," and consequently, we feel that the "exclusive use" condition contained in the transfer of the real property to the state might be offended by such storage. Although the reverter of title and right to possession to the United States is dependent upon a finding by the Secretary of the Interior that the state of Missouri has not complied with the condition "during a period of more than three years," we do not think it advisable for the state, acting through the Park Board, to breach the "exclusive use" condition for any length of time. Furthermore, under state law the Park Board is only authorized to improve, maintain, operate and regulate lands held by it for "park or parkway purposes." Section 253.040, RSMo. We thus feel that for the Park Board to allow the storage of seized motor vehicles by the Internal Revenue Service would also exceed the Board's authority under state law.

For the above reasons, it is our opinion that the Missouri State Park Board has no legal authority to permit the storage of automobiles seized by the Internal Revenue Service upon lands belonging to the Lake of the Ozarks State Park.

Yours very truly,



JOHN C. DANFORTH
Attorney General