

STATE PARK BOARD: Missouri State Park Board is authorized
CONSTITUTION: to lease land for state park purposes.
TITLE:



January 19, 1955

Missouri State Park Board
P. O. Box 176
Jefferson City, Missouri

Attention: Abner Gwinn, Director

Gentlemen:

This will acknowledge receipt of your recent request for an opinion as to whether the State Park Board may accept an area on the Wappapello Reservoir for state park purposes when the title to said land remains in the federal government and all that the state may acquire is a fifty-year lease with the option of an additional fifty-year term, upon expiration thereof.

Under Chapter 253, Missouri Revised Statutes Cumulative Supplement, 1953, and especially Section 253.040 thereof, the present Missouri State Park Board is given much broader powers than its predecessor in office. The old State Park Board, under Section 253.020, Revised Statutes of Missouri, 1949, was not vested with such specific and broad powers, but only with the power to acquire and operate land for state park purposes. The law at that time provided that said board may acquire by purchase, eminent domain, or otherwise, all property necessary, useful or convenient for the use of the State Park Board. The act creating the new State Park Board, namely, Chapter 253, Missouri Revised Statutes Cumulative Supplement, 1953, authorizes said board to accept or acquire by purchase, lease, donation, agreement or eminent domain, any lands, or rights in lands, sites, objects or facilities which in its opinion should be held, preserved, improved and maintained for park or parkway purposes. The board is further authorized to improve, maintain, operate and regulate any such land, sites,

Missouri State Park Board

objects or facilities when such action would promote the park program and general welfare.

In view of the new State Park Act hereinabove referred to there can be no question but that the leasing of this land would be for a public purpose and apparently, the Missouri State Park Board deems that it would promote the park program and general welfare.

CONCLUSION

Therefore, it is the opinion of this department that the Missouri State Park Board may accept said area under a fifty-year lease with an option for a renewal of an additional fifty-year term.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Aubrey R. Hammett, Jr.

Yours very truly,

John M. Dalton
Attorney General

ARH:vlw