

STATE: IN RE: Approval of quit-claim deed to Project No. 23-127 F;
DEEDS located at Rolla, Missouri.

April 10, 1946



Honorable B. H. Rucker
Member, 63rd General Assembly
Jefferson City, Missouri

Dear Sir:

This will acknowledge receipt of your request for approval, by this department, of the enclosed quit-claim deed wherein the Federal Works Administrator, is conveying to the State of Missouri, Project No. 23-127 F, located at Rolla, Missouri.

Under and by virtue of the Public Law No. 849, Volume 54, Part I, Section 4, page 1125, United States Statutes at Large, the Federal Works Administrator is authorized to convey such project when the President of the United States shall have declared that the emergency, declared by him to exist on September 8, 1939, has ceased to exist. This, the President has not done.

Notwithstanding the President of the United States has not declared said emergency to no longer exist, we believe that the Federal Works Administrator may convey said project to the State of Missouri. We understand said project was acquired by virtue of Public Law 849, supra, therefore, under Section 7 of said Public Law, it provides that notwithstanding any other provision of law, the Federal Works Administrator, with respect to any property acquired or constructed under said Act, is authorized to sell same upon such terms as may be deemed by said Administrator to be in the public interest.

We construe the foregoing provisions of Public Law #849 to mean that it is mandatory that the Federal Works Administrator dispose of such projects acquired under said Act when the President of the United States declares said emergency to no longer exist, however, under Section 7 of Public Law 849, supra, the Federal Works Administrator may convey said projects at any time as in his opinion it may be in the public interest.

CONCLUSION

It is, therefore, the opinion of this department that, under Section 7, Public Law 849, supra, the Federal Works Administrator

Hon. B. H. Rucker

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is authorized at this time to convey said Project No. 23-127 F, at Rolla, Missouri, to the State of Missouri. We also approve the enclosed copy of quit-claim deed as to form and substance. Furthermore under House Bill 960, as introduced in the 63rd General Assembly of the State of Missouri, if and when approved by the Governor of Missouri, this State will be authorized to purchase said project subject to the Federal Works Administrator, grantor herein, furnishing the State an Abstract of Title showing that the United States of America, grantor herein, holds a merchantable title to said project No. 23-127 F.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

ARR:mw
Enc: