

CANCER COMMISSION: Has no authority to convey right-of-way
for street.

February 20, 1942

2-25-

Miss Dorothy A. Hehmann
Executive Secretary, Cancer Commission
3713 Washington Boulevard
St. Louis, Missouri



Dear Madam:

This will acknowledge receipt of your letter of
February 16, 1942, in which the following request for an
opinion is made:

"This office is in receipt of a letter
from A. D. Sappington, attorney-at-law,
Columbia, Missouri, reading as follows:

'At the time that the City deeded
the property to the State for the
construction of the Cancer Hospital
it was proposed that the street on
the east side of the hospital tract
be widened and opened as a street.
The City is now in the process of
obtaining the right of way for this
street and it will be necessary for
the City to have a deed from the
Cancer Hospital Commission for 20
feet along the east side of the
Cancer Hospital tract. Will you
please advise me if this is satis-
factory and I will prepare a deed
conveying this tract to the City for
street purposes.'

"At the time the property on which the
Cancer Hospital is erected was deeded by
the City of Columbia to the State for
that purpose, there was some discussion
about the opening of a street on the east

side of the hospital tract. For your information, the hospital is bounded on the south by Highway 40. Running at right angles to Highway 40 and on the south side thereof is North Garth Avenue. If this avenue were projected northward across Highway 40, according to Mr. Sappington, it would require the use of about 20 feet of the east side of the tract now used by the Cancer Hospital.

"At the time this property was deeded to the State the Cancer Commission was agreeable to the construction of this street, having the thought at that time that they could use this street as their means of entrance to the hospital grounds from the east. As the street was not constructed at that time, the hospital was required to build a road from the hospital building to the southern end of its tract entering into Highway 40.

"Consequently no particular importance as far as hospital use is concerned could be attached to the extension of North Garth Avenue, as the present road from the public highway through the hospital grounds is adequate for all purposes.

"So that you are conversant with all of the facts, your office is requested to bear in mind that the Cancer Hospital property was a gift of the City of Columbia, and was purchased merely for the purpose of making the gift as the Cancer Commission required that the site of the hospital be within the corporate limits of the City of Columbia. A special bond election to authorize the purchase was had in Columbia, and the Cancer Commission has at all times received the

utmost of cooperation from the City of Columbia.

"It is the thought of the Commission that the deeding back of the 20 foot strip on the eastern end of its property to the City of Columbia would in no wise effect the efficiency of the hospital or its administration. The Commission, however, realizes that this property is the property of the State of Missouri, and what legal steps would be necessary to revest title to this 20 foot strip in the City of Columbia for street purposes, are, of course, unknown to us, and we will, therefore, ask your office to kindly advise us the legal position that should be taken by the Cancer Commission in its reply to Mr. Sappington's communication."

The laws of the State relating to the Cancer Commission and the State Cancer Hospital are contained in Chapter 125, Revised Statutes of Missouri, 1939, which were enacted by the 59th General Assembly in 1937. The Commission was authorized to establish the hospital; the Commission further has power to appoint the medical staff of the hospital, to select and fix the compensation of employees, to make rules and regulations for the conduct and discipline of the hospital, to establish clinics, and do other things relating to the operation of the hospital. There is no authority conferred upon the Commission by any of the provisions of Chapter 125, R. S. Mo. 1939, to convey property. A search of the statutes relating to property of the State fails to reveal any law which would authorize the Cancer Commission to execute any conveyance.

This office fully appreciates the cooperation the inhabitants and officers have given in the establishment of the Cancer Hospital.

The Cancer Commission was created by statute and derives all of its authority from the statutes. In the

Miss Dorothy A. Hehmann

-4-

February 20, 1942

absence of a statute authorizing the Commission to convey property, there is no action which the Commission can take to grant to the City of Columbia the strip of ground for street purposes.

Respectfully submitted

W. O. JACKSON
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General

WOJ:HR