

COUNTIES:
PLANNING AND ZONING:
COUNTY COOPERATION:

Clay County is authorized to provide for the preparation, adoption, amendment, extension and carrying out of a county plan for the areas of Clay County which include the City of Liberty, Missouri, after approval by a vote of the people of the county in accordance with Section 64.510, RSMo Cum. Supp. 1957.

May 11, 1959



Honorable Randall S. Jessee
Executive Director
Metropolitan Area Planning Council
701 Railway Exchange Building
Kansas City 6, Missouri

Dear Sir:

This is in response to your letter of January 19, 1959, in which you request an opinion from this office. In view of your letter and your subsequent conversation with a member of our staff on May 8, 1959, it is our understanding that the question which you present is as follows:

In view of our opinions of May 29, 1958 to the Honorable Floyd R. Gibson, Independence, Missouri, and to the Honorable Randall S. Jessee on November 12, 1958, Kansas City, Missouri, is Clay County authorized to provide for the preparation, adoption, amendment, extension and carrying out of a county plan for the areas of Clay County which include the City of Liberty?

We enclose copies of the opinions mentioned above, and we herein set forth Section 64.510, RSMo Cum. Supp. 1957:

"The county court of any county of the second or third class may, after approval by vote of the people of the county, provide for the preparation, adoption, amendment, extension and carrying out of a county plan for all areas of the county outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of the

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state which are not more than forty miles from the corporate limits of any city which now has or may hereafter have more than thirty-five thousand inhabitants, or all areas of any county which is adjacent to a county containing a city of more than four hundred and fifty thousand inhabitants. Upon the adoption of the county plan there is created in the county a county planning commission as hereinafter provided."

You will observe from our opinion of November 12, 1958, that Sections 64.010 to 64.160, RSMo 1949, provide for the creation and functioning of a county planning commission in counties of the first class. You will also note that it is our view that such first class counties have no authority to enter into a contract to formulate a plan which would include the area of Kansas City. This is founded upon the fact that the planning jurisdiction of the area of Kansas City is authorized by Section 400 of the charter of that city creating a Kansas City Planning Commission. For this reason we have held that Kansas City would have to become a participant in such a planning arrangement as an entity itself.

We know of no authorization in the laws creating the City of Liberty to the effect that Liberty may create any such planning commission.

It is our belief that Section 64.510, RSMo Cum. Supp. 1957, explicitly provides for the county court of any county of the second or third class, after approval by a vote of the people of the county, to provide for the preparation of a county plan for all areas of any county which is adjacent to a county containing a city of more than 450,000 inhabitants. We believe that the authorization of this section would apply to the county court of Clay County and that the plan may be created to include the area of the City of Liberty.

CONCLUSION

It is the opinion of this office that Clay County is authorized to provide for the preparation, adoption, amendment,

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extension and carrying out of a county plan for the areas of Clay County which include the City of Liberty, Missouri, after approval by a vote of the people of the county in accordance with Section 64.510, RSMo Cum. Supp. 1957.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, James E. Slusher.

Yours very truly,

JOHN M. DALTON
Attorney General

JBS:mc