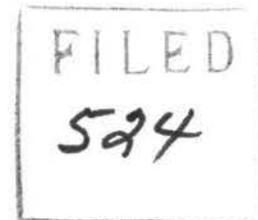


Answer by letter-Wieler

December 19, 1969

OPINION LETTER NO. 524

Dr. Walter C. Daniels, President
Lincoln University
820 Chestnut Street
Jefferson City, Missouri 65101



Dear Dr. Daniels:

This is in response to a request for an opinion from your Administrative Assistant, Mr. Arthur E. Pullam, with respect to some property known as the Dalton Vocational School and accompanying land located in Chariton County, Missouri, said property being under the control of the Board of Curators of Lincoln University pursuant to Section 175.070, RSMo Supp. 1967. Specifically, the opinion request inquires as to the authority of Lincoln University to sell, lease or convey this property and whether public notice would be required in order to do so.

Section 175.070, RSMo Supp. 1967, provides:

"The board of curators for Lincoln University shall take over and conduct the demonstration farm and agricultural school as now established at Dalton, Missouri, and the supervision and control of the school is hereby invested in the board of curators for the Lincoln University."

Section 175.040, RSMo 1959, incorporates the provisions of Section 172.020, RSMo 1959, and thereby empowers the Board of Curators at Lincoln University to "take, purchase and to sell, convey and otherwise dispose of lands and chattels." In addition, the legislature in 1957, by special enactment, provided:

"The board of curators of Lincoln University by and with the approval of the governor may convey by appropriate deed to any state agency designated by the governor the land and property acquired pursuant to section 128 of an

Dr. Walter C. Daniels

act of the Fifty-Second General Assembly, found at Laws 1923, page 11, for a demonstration farm and agricultural school for the Negro race at Dalton, Missouri. If the property is not conveyed to a state agency within two years after this act becomes effective it may be sold and conveyed by appropriate deed by the board of curators on the most advantageous terms obtainable and the proceeds therefrom shall be deposited in the state treasury to the credit of the General Revenue fund."

Based on the above statutory authority, it is our opinion that the Board of Curators of Lincoln University has full legal power to sell and convey the Dalton School property on the most advantageous terms obtainable, whether such sale be public or private.

With respect to leasing the Dalton Vocational School property, enclosed are copies of two opinions issued by this office in which we found two specific leasing arrangements for the Dalton Vocational School property to be within the authority of the Board of Curators of Lincoln University and therefore proper, Opinion No. 21, issued April 12, 1956 to the Honorable Earl E. Dawson and Opinion No. 154, issued August 5, 1966 to the Honorable W. D. Hibler, Jr. Although approval by this office of any proposed leasing arrangement would necessarily depend upon evaluation of the particular facts and circumstances involved, it has been our general position that the Board of Curators of Lincoln University is legally empowered to lease the Dalton Vocational School property at the best terms obtainable, whether this be done privately or by public notice.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 21
4-12-56, Dawson

Op. No. 154
8-5-66, Hibler