

Opinion No. 53-5823

October 15, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Lotario D. Ortega Assistant District Attorney First Judicial District Gallup, New Mexico

{*232} In your letter dated October 9, 1953, you enclosed a letter from the City Attorney of Gallup concerning the applicability of § 14-4305, New Mexico Statutes Annotated, 1941 Compilation, to the situation existing in Gallup.

It appears that the City wishes to build a new city hall on the site of an old building which the city acquired years ago and it is necessary to raze the old building prior to construction. The City has attempted to obtain bids for the razing of the building without success and now desires to know whether it could include the razing of the building in its contract for construction of new buildings on the site without complying with the provisions of the above referred to section.

§ 14-4305 only applies to the sale or leasing of municipal property not being used for essential governmental functions and would not apply to the situation in which it is necessary to raze an obsolete building in order to construct a new building on the site. This action could be done under contract as part of the construction of the new building without complying with the requirements of § 14-4305 and succeeding sections.

By: C. C. McCulloh

Assist. Attorney General