

Opinion No. 60-177

September 29, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Raymond E. Keithly District Attorney Seventh Judicial District Truth or Consequences, New Mexico

QUESTION

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May the Village of Moriarty, having a population of more than 500 persons, purchase and lease real property, and annex that property to the Village?

CONCLUSION

Yes.

OPINION

{*572} **ANALYSIS**

Incorporated villages having a population of 500 or more are granted all the powers and privileges of incorporated towns. See N.M.S.A., 1953 Compilation, § 14-23-9. One of the powers of an incorporated town is the power to acquire and hold real property. See N.M.S.A., 1953 Compilation, § 14-21-1. We conclude that the Village of Moriarty has the power to purchase and lease real property.

The power of annexation is granted to all municipal corporations in New Mexico by N.M.S.A., 1953 Compilation, § 14-6-1. This power extends to all contiguous lands, whether owned by private individuals, or owned or leased by the annexing municipality. Section 14-6-1, supra, sets out the procedures for annexation. If they are followed, and if the Village of Moriarty is incorporated, we are of the opinion that the Village of Moriarty may purchase and lease real property, and may annex that property to the Village.

By: Norman S. Thayer

Assistant Attorney General