

**Opinion No. 19-2232**

April 3, 1919

**BY:** O. O. ASKREN, Attorney General

**TO:** Mr. C. A. Perkins, City Attorney, Carrizozo, New Mexico.

Exchange by Village of One Parcel of Real Estate for Another.

**OPINION**

We are in receipt of your letter of the 2nd instant, concerning the right of the Village of Carrizozo to execute a warranty deed for a parcel of land which is to be exchanged for a piece owned by private parties, for the purpose of changing the course of a village street.

We have no information under what proceeding the village acquired title to the street in question, but assume that it was acquired by virtue of a dedication made by the owners of the land over which the street now runs.

If such be the case, the village has no title in fee to the land and would not be justified in executing a warranty deed conveying the property to some other person. If, on the other hand, the village acquired a title in fee simple to this land, then it could with all propriety execute a warranty deed to the person to whom it is intended to be conveyed.

HARRY S. BOWMAN,

Assistant Attorney General.