

Opinion No. 34-770

June 9, 1934

BY: E. K. NEUMANN, Attorney General

TO: Mr. Fred S. Merriau, District Attorney, Raton, New Mexico.

{*136} This is in reply to your letter of June 6, 1934, in behalf of the Board of Trustees of the Village of Springer, in which you state that certain property located in the Village of Springer formerly used as the site for the New Mexico Reform School was, pursuant to Chapter 103, Laws of 1919, reconveyed to the Village of Springer by the State of New Mexico. The deed of conveyance was signed by the Governor, dated June 19, 1919 and filed for record July 18, 1919. There are no restrictions of any kind in the deed. Upon Lot 10 of Block 13, a portion of this property, there has been erected a store building which for many years has been rented to individuals for commercial purposes. You wish to know whether or not the Village of Springer has the right and power to sell this lot and building to the present tenant thereof.

I have examined the statutes referred to in your letter and have considered the facts stated by you. I see no reason why the Village of Springer cannot sell this property for a reasonable consideration and make a proper conveyance of the title to the same. Since the property is not and has not been devoted to a public use and since the village is not bound by any restrictions or limitations with reference thereto it would seem to me that it has the power to dispose of it for a consideration.

I believe this is a well settled rule adopted by a majority of the courts in this country. See McQuillan on Municipal Corporations, 2nd Ed., Vol. 3, Sec. 1242.

Trusting that the above fully answers your inquiry, I am

By: QUINCY D. ADAMS,

Asst. Attorney General