

## Opinion No. 16-1843

July 3, 1916

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable Alvan N. White, Superintendent of Public Instruction, Santa Fe, New Mexico.

**Method of disposing of unclaimed lots of land.**

### OPINION

{\*404} Referring to the subject of the letter of Mr. W. M. Armour, of Chloride, dated May 7, 1916, and addressed to you, about which you and I had some conference in May, and which you have just sent to my office, I do not see that there is anything to be said beyond calling Mr. Armour's attention to the provisions in Sections 5522 to 5532 of the Codification of the Statutes.

He says that there are about fifty acres of unowned land in the townsite at Chloride, and that it has been lying there idle ever since the townsite was deeded to the trustees in 1882, thirty-four years ago, and he wants to know whether that land can be made available in a legal way for school purposes. Beginning with Section 5525, the method of disposing of unclaimed lots or parcels of land is set out, and I can see no reason why the land of which he speaks may not be disposed of in the manner shown in those sections of statutes. The trustees must appoint a board of appraisers, whose duty it is to appraise such such land, and to file their written appraisal, and then the mayor or president or probate judge, as the case may be, may give notice of the time and place of the sale of such land by advertising it three weeks in some newspaper published in the county, and the sale is to be at public auction to the highest bider for cash, and Section 5532 shows the disposition of the proceeds, which after paying expenses, is to be paid over to the board of directors of the school district to be used in the erection {\*405} of school buildings, and for the furnishing of the same, and for no other purposes.

I return Mr. Armour's letter herewith.