

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

DARRELL F. SMITH, THE ATTORNEY GENERAL  
STATE CAPITOL  
PHOENIX, ARIZONA

March 28, 1967

DEPARTMENT OF LAW LETTER OPINION NO. 67-15-L (R-63)

---

REQUESTED BY: DAN SCHIMMELPFENNIG  
County Attorney, Mohave County

QUESTION: Does a County Board of Supervisors  
have authority to exchange land owned  
by county for land owned by a school  
district all of the land being located  
within the County?

ANSWER: Yes, as limited in opinion.

The applicable statutory provisions are set forth below.

A.R.S. §11-251 (9) as amended requires the County Board of  
Supervisors to sell County property at public auction.

A.R.S., §37-601: Authorization To Exchange

"The governing body of any county, city town or school  
district may exchange with each other any land owned  
by them but such exchange shall not be made of lands  
situated in different counties. The determination of  
the governing body having control of the land that  
such land should be exchanged shall be final. Added  
Laws 1963, Ch. 81, §1."

A.R.S. §15-445

"A. The board of trustees shall:

5. Make in the name of the district conveyances of  
property belonging to the district and sold by the  
board.

Opinion No. 67-15-L  
(R-63)  
March 28, 1967  
Page Two

6. Purchase or sell school sites when authorized by a vote of the district, but such authorization shall not necessarily specify the site to be purchased.

A.R.S. §37-601 was added by Laws of 1963 and it is the opinion of the Attorney General that this authorization to exchange land is an exception to the provisions of A.R.S. §11-251 which requires property of the county to be sold at public auction.

In the event the land owned by the school district is a school site then authorization by a vote of the district will be required under the provisions of §15-445 (6). Any other land owned by the school district may be exchanged without the necessity of a Vote of the people since the district board of trustees is otherwise authorized to make conveyances of property belonging to the district. (A.R.S. §15-445, 5.)

In making the exchange of land the county board of supervisors and the board of trustees are cautioned to strictly comply with all of the provisions contained in Title 37, Ch. 2, Art. 14, A.R.S. Added by Laws 1963.

Respectfully submitted,

  
DARRELL F. SMITH  
The Attorney General

DFS:md