

October 5, 1944

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Mr. Ed Atkinson, Manager
Phoenix Field Office
War Department
204 Home Builders Building
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Sir:

We have your letter of 19 September, 1944, regarding the right, if any, that the City of Douglas, Arizona, may have to transfer as a gift to the United States (or for a (\$1.00) valuation), the 2700 acres of the Douglas Air Field, now owned by said city.

The copy of the letter of the regional office, War Department at Los Angeles, Cal., does not appear complete in the form transmitted to this office by your office.

However, you are advised that in our opinion a city or town cannot sell or dispose of its real or personal property without a bona-fide compliance with Sections 16-301 and 16-302 of the Arizona Code, 1939, as to public advertising, posting notices, and other requirements thereunder.

Section 16-302 herein referred to, requires that where the value of the real property proposed to be sold or disposed of, exceeds in value \$25,000, the question must be submitted to a special election called for that purpose.

Your regional office propounds the query whether in condemnation proceedings the city could permit the action to go by default, or stipulate the value of the 2700 acres as at the total sum of \$1.00.

We do not think that the officials of the City of Douglas would, or could, participate in such a proceeding.

It is our opinion that no judgment by default shall be entered against the state or any political sub-division thereof (including cities and towns) or any of its officers or agencies unless the claimant establishes his claim or right to relief by evidence satisfactory to the Court.

Should the lands in question be required by the Government of the United States, and it is so determined by the Secretary of War and the Attorney General of the United States, the same may be obtained within the orderly processes of the law, and not by any subterfuge.

Respectfully

JOE CONWAY
Attorney General

THOMAS J. CROAFF
Assistant Attorney General

EARL ANDERSON
Chief Assistant
Attorney General

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