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(R75-238)

75-109

April 30, 1975

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ARIZONA ATTORNEY GENERAL

Mr. Robert C. Stubbs
Attorney at Law
340 North Main Avenue
Tucson, Arizona 85703

Re: Pinetop-Lakeside School District's Purchase of
73 Acres of Forest Land with Transfers of Minor
Portions to Encroaching Landowners

Dear Mr. Stubbs:

Receipt is acknowledged of your correspondence of April 25, 1975, wherein you ask that this office reconsider its position contained in our letter of March 19, 1975, concerning the above captioned matter.

The letter of March 19 recited the need for the Pinetop-Lakeside School District to call an election pursuant to A.R.S. § 15-1302.A.2 for the purpose of obtaining voter approval of the intended purchase of the forest land. It was our feeling at the time that it would be a simple matter to incorporate within the same election the minor transfers the school district desires. However, we gather from your most recent communication that voter approval has already been obtained for the purchase of the 73 acres and that our advice would require another election for the purpose of making the minor conveyances at an extremely burdensome cost to the school district.

In reliance upon the facts as we understand them, it is our belief that the transfers referred to by you may be made by the Pinetop-Lakeside School District without voter approval providing the original purchase has been authorized by the local electorate and providing that such "minor transfers" do not in any substantial manner affect the proposed acreage to be purchased where such transfers do not constitute conveyances of the school site and are made to compromise questionable rights of the school district in the overall package.

Mr. Robert C. Stubbs
May 14, 1975
Page two

If we can be of further help, please do not hesitate to
contact this office.

Sincerely,

BRUCE E. BABBITT
Attorney General

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OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

R75-230
BRUCE E. BABBITT
ATTORNEY GENERAL

March 19, 1975

Mr. Robert C. Stubbs
Robert C. Stubbs & Associates, P.C.
Attorneys at Law
340 North Main Avenue
Tucson, Arizona 85703

Dear Mr. Stubbs:

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In response to your letter of February 26, 1975, requesting our opinion as to whether or not it would be legally permissible for Pinetop-Lakeside School District #32 to purchase certain property from the United States Forest Service and then turn around and sell off small parcels to adjacent landowners who have for many years past encroached upon said parcels when the property was in possession of the government, we direct your attention to A.R.S. § 15-1302.

Pursuant to Subsection A.2 of this statute, an election must be called in order to purchase or sell school sites, with the result that what your school district desires may be accomplished providing voter approval of both transactions is first obtained.

If we can be of further assistance to you in this matter, please let us know.

Sincerely,

BRUCE E. BABBITT
Attorney General

C. HENRY WIDENMANN, JR.
Assistant Attorney General

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