

September 3, 1931

Mr. Ira W. Wagon,
Right of Way Agent,
Arizona Highway Department,
Phoenix, Arizona.

My dear Sir:

It has been called to my attention that heretofore the title to lands acquired for highway purposes has been taken in the name of the Arizona Highway Department rather than the name of the State of Arizona.

In this respect, I respectfully call your attention to Section 1570 R. C. A. 1928, which provides in part as follows:

"The Commission in the name of the state may acquire title to lands or any interest therein by purchase, donation, dedication or condemnation***"

From the foregoing, it is apparent that the title to lands acquired for highway purposes should be taken in the name of the State of Arizona. This would likewise apply to easements.

Should you desire, I shall be pleased to assist you in re-drafting the present deed to comply with the law in this respect.

Very truly yours,

RBS:M

Assistant Attorney General