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August 18, 1932

Mr. Dodd L. Greer
County Attorney
St. Johns, Arizona

Dear Sir:

In reply to your letter of the 13th instant relative to the establishment of a county highway under the authority of Section 1701, R. C. A. 1928, and your query therein contained as to whether or not it is necessary for the board of supervisors to fully comply with the procedure laid down in such action when the right of way for such proposed highway is donated by the owners thereof, I advise you as follows:

It is my opinion that notwithstanding the fact that the owners of the land over which a proposed highway is to be run desire to, and will, grant rights of way for said highway, boards of supervisors must follow the procedure laid down in Section 1701, R. C. A. 1928, in establishing such highway. The question of the feasibility, advantages and necessity of the highway sought to be established must be determined at such hearing, as well as the damages to be suffered by the land owners whose property is taken for highway purposes, thus necessitating a hearing by the board.

Very truly yours,

Attorney General.

By

Assistant Attorney General.

RBS:S

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