



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable T. M. Trimble
First Assistant
State Superintendent of Public Instruction
Austin, Texas

Dear Sir:

Opinion No. 0-6586

Re: Whether money received from
sale of school property may
be used for the purpose of
repairing the county roads
over which district's school
bus runs -

Your request for opinion has been received and
carefully considered by this department. We quote from your
request as follows:

"The trustees of the Harbin Common
School District No. 36 of Krath County are
disposing of some property which belongs to
their school district, and are wanting to know
if the money which they receive from the sale
of this property can be used for the purpose
of repairing the county roads over which their
school bus runs."

Article 2753, Vernon's Annotated Texas Civil
Statutes, reads as follows:

"The trustees of any school district,
upon the order of the county trustees prescrib-
ing the terms thereof, when deemed advisable,
may make sale of any property belonging to said
school district, and apply the proceeds to the
purchase of necessary grounds, or to the build-
ing or repairing of schoolhouses, or place the
proceeds to the credit of the available school
fund of the district."

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The above quoted article (2753) applies to common school districts. See R. B. Spencer & Co. v. Brown, 198 S.W. 1179.

By virtue of constitutional and statutory provisions, the Commissioners' Court is made a court of general jurisdiction for the establishment of roads. 21 Texas Jurisprudence p. 570.

Article 2351, Vernon's Annotated Texas Civil Statutes, reads in part as follows:

"Each Commissioners' Court shall:

". . .

"3. Lay out and establish, change and discontinue public roads and highways.

". . .

"6. Exercise general control over all roads, highways, ferries and bridges in their counties.

You are respectfully advised that it is the opinion of this department that the proceeds realized from the sale of the school property of Harbin Common School District cannot lawfully be expended for the building or repairing of county roads over which the school bus of such district runs. Article 2753, supra, directs how such proceeds shall be applied or placed.

We also enclose herewith for your information a copy of Opinion No. 0-5174 of this department which deals with a situation involving the custody of proceeds from the sale of common school district land where such district has become non-existent.

Yours very truly

ATTORNEY GENERAL OF TEXAS

Wm. J. Fanning

Wm. J. Fanning
Assistant

APPROVED MAY 22, 1945
Wm. J. Fanning
ATTORNEY GENERAL OF TEXAS

BY

WJF:BT

