



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

June 6, 1962

Honorable Thomas S. Bishop
Major General, Tex ARNG
Adjutant General of Texas
Austin, Texas

Opinion No. WW-1345

Re: Authority of the City of Palacios acting as agent for the State of Texas to sell certain tracts of land known as the camp site for Camp Hulen, Texas, in whole or in part for industrial sites under S.B. 95, Acts 57th Leg., Third Called Session, 1962, Ch. 10, p. 25.

Dear General Bishop:

In a recent request for an opinion of this office, you state that under the provisions of S.B. 95, Acts 57th Leg., Third Called Session, 1962, Ch. 10, p. 25, the City of Palacios was designated as agent of the State of Texas for the purpose of consummating the sale or lease of certain tracts of land comprising Camp Hulen, Texas. You state further that the City of Palacios desires to obtain sea shell from Camp Hulen.

You then ask:

First, does the City of Palacios have authority under S.B. 95 to sell sea shell or improvements such as concrete slabs and buildings from Camp Hulen?

Second, is the City of Palacios required to sell or lease the Camp Hulen property in whole or in part as an industrial site?

Section 1 of S.B. 95 authorizes the City of Palacios to act as agent for the State for the purpose of selling and transferring or leasing "certain tracts of land and all improvements thereon. . . ."

Honorable Thomas S. Bishop, page 2 (WW-1345)

Such agency appointment for the purpose underlined above is an appointment for the conjunctive purpose of selling or leasing the land in question with the improvements thereon; not an appointment for the disjunctive purpose of selling or leasing the property piece meal.

Section 2 of said Bill authorizes the City of Palacios as agent for the State to sell or lease the property in question in whole or in part "as an industrial site. . . ."

Thus, by the terms of Section 2, the City of Palacios must sell the property in whole or in part as an industrial site. This view is further evidenced by the emergency clause, Section 5 of said Senate Bill. Section 5 states in part that such property:

"Constitutes an industrial site ideally situated for industrial development, and . . . that the sale of such property as an industrial site will inure to the benefit of the State of Texas. . . ."
(Emphasis added.)

Therefore, we answer your first question no, the City of Palacios does not have authority to make sales of sea shell, concrete slabs or buildings piece meal from Camp Hulen under the authority of S.B. 95.

We answer your second question yes, the City of Palacios is required by S.B. 95 to sell the Camp Hulen camp site in whole as an industrial site or else in part as an industrial site.

SUMMARY

The City of Palacios under the grant of authority contained in S.B. 95, Acts 57th Leg., Third Called Session, 1962, Ch. 10, p. 25, is not authorized to sell sea shells, concrete slabs or buildings from Camp Hulen piece meal, but is

Honorable Thomas S. Bishop, page 3 (WW-1345)

authorized to sell or lease in
whole as an industrial site or
in part as an industrial site.

Yours very truly,

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APPROVED:

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