



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

January 27, 1965

Honorable Jules Damiani, Jr.
Criminal District Attorney
County Courthouse
Galveston, Texas

Opinion No. C-381

Re: Control of property
leases owned by a city
subsequent to the dis-
solution of the corpo-
rate existence of such
city.

Dear Mr. Damiani:

A certain city seeks to abolish its corporate exist-
ence by following the procedure outlined in Article 1243,
Vernon's Civil Statutes. In connection therewith, you re-
quest our opinion as to who will exercise control, after
dissolution of the corporation, of certain water front
property leases heretofore entered into by the city with
the property owners.

In our opinion, control of such leases will vest in
the County Commissioners Court under the terms of Article
1260, Vernon's Civil Statutes, which reads as follows:

"When any corporation is abolished under
the provisions of this chapter (which chapter
includes Article 1243, supra), and shall at
the time of any such abolishment own any
public buildings, public parks, public works
or other property, and the same shall not
have been sold or disposed of as provided
in this chapter, the same shall be managed
and controlled by the commissioners court of
such county for the purpose to which same
were originally used and intended; and, for
this purpose, the commissioners court shall
have and exercise, with reference thereto,
the powers originally conferred by charter
upon the mayor and aldermen of such city."

Hon. Jules Damiani, Jr., page 2 (C-381)

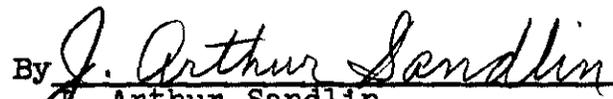
Should there be any indebtedness outstanding at the time of such corporate dissolution, your attention is directed to Articles 1244-5, Vernon's Civil Statutes, which authorize a receiver to take charge of the corporate property under certain circumstances, and to Article 1262, Vernon's Civil Statutes, which authorizes city officials holding office at the time of dissolution, or in event of their failure to act, authorizing certain court appointed trustees, to take charge of the corporate property.

SUMMARY

Control of water front property leases owned by a city whose corporate existence is abolished under the procedure outlined in Article 1243, V.C.S., passes upon such abolition to the County Commissioners Court under the provisions of Article 1260, V.C.S. In event there is outstanding indebtedness at the time of such dissolution, attention is directed to Articles 1244-5 and 1262, V.C.S., authorizing other parties to take charge of the corporate property under certain circumstances.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By 
J. Arthur Sandlin
Assistant

JAS:afg/dm

APPROVED:

OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL
By: Stanton Stone