

**OPINION**  
**63-85**

March 4, 1963            (OPINION)

COUNTY FAIRS

RE:    Acquiring Land - Disposing of Excess

This is in reply to your letter of February 28, 1963, in regard to real estate owned by Foster County acquired by the county commissioners for county fair purposes.

We tentatively presume that same was acquired pursuant to section 4-02-31 of the North Dakota Century Code which provides:

PURCHASE OR LEASE OF LAND - ELECTION REQUIRED. The board of county commissioners in any county in the state may submit, or when petitioned by at least five percent of the legal voters of the county in at least one-half of the voting precincts, based upon the votes cast in the county for secretary of state at the last general election, shall submit, to the voters of the county at any general election the proposition of purchasing or leasing not more than eighty acres of land in the name of the county to be used for eighty acres of land in the name of the county to be used for county fair purposes. If a majority of the legal voters at the election shall vote in favor of purchasing or leasing land for such purposes, the board of county commissioners shall purchase or lease, in conformity with this chapter, a tract of land not to exceed eighty acres, in the name of the county. The board of county commissioners shall construct such buildings and improvements on the land as it shall deem necessary for the operation and management of the fair. The election on the purchase or lease of land shall be conducted and the votes counted as at other elections."

The statute provides no minimum acreage to be maintained for these purposes, only a maximum. If after due consideration the board of county commissioners should determine that lands purchased for this purpose are in excess of the county's needs, we can see no valid objection to the board of county commissioners selling such excess portion of such premises.

HELGI JOHANNESON

Attorney General