

**OPINION
47-38**

April 2, 1947 (OPINION)

CITIES

RE: Ownership of Property Acquired by Chamber of Commerce

Your letter of March 27 has been received and contents considered.

You ask the opinion of this office on the following proposition:
About a year ago the Williston Chamber of Commerce after considerable work and activity secured from the Federal Government eleven buildings and various other properties from the C.C.C. Camp located at Trenton, North Dakota. This property was secured from the Soil Conservation Service of the Federal Government with headquarters at Omaha.

It was the intention of the members of the Chamber of Commerce at all times that when the property was to be transferred, it should be transferred to the Williston Chamber of Commerce. However, the Federal regulations require that the property can be transferred only to a municipality and so the property was transferred to the city of Williston.

The city of Williston has at present 160 acres of land which is used as an airport. It is the intention of the city, however, to move the airport elsewhere. The 160 acre tract is needed by the Williams County Fair Association for the purpose of a fairground and it was for this reason the Chamber of Commerce expended time and money in order to procure the buildings located at Trenton. In fact, one of the activities of the Chamber of Commerce was for the purpose of financing the buildings for the fairgrounds.

The question now is whether the city of Williston may transfer to the Chamber of Commerce the 160 acres of land formerly used as an airport as a consideration for the transfer to the city of Williston of the Trenton property referred to, on the theory that the Chamber of Commerce was instrumental in securing the transfer of such property to the city of Williston. In other words, can the efforts of the Chamber of Commerce in procuring the transfer of the Trenton property to Williston be considered as the consideration for the transfer of the 160 acres of land to the Chamber of Commerce?

As a matter of law the city of Williston had a right to accept the transfer of the Trenton property from the Federal Government and in so doing, it became the actual owner of said property. It is true that the Chamber of Commerce made considerable effort and undoubtedly spent some money in bringing about the transaction whereby this property was transferred to the city of Williston and between private parties such activities would undoubtedly be considered of some value, but as I have pointed out, the city of Williston is now the absolute owner of the property and legally is not indebted to the Chamber of Commerce. Under these circumstances, should the city of Williston make a transfer of the 160 acre tract to the Chamber of

Commerce it would really be a donation which the city would have no legal authority to make.

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