

**OPINION
58-185**

May 29, 1958 (OPINION)

STATE BOARD OF HIGHER EDUCATION

RE: Authority to Grant Easement

Your letter dated May 28, 1958, wherein you ask whether the State Board of Higher Education has power to grant an easement to the city of Dickinson to construct storm sewers across the campus of the State Teachers College at Dickinson, has been received.

We know of no law which authorizes the Board of Higher Education to sell, convey, or purchase real property, or any interest therein, and since the easement is an interest in realty and a property right, we must hold that the board has not the authority to give an easement to the city of Dickinson.

This could be accomplished by condemnation or by an act of the Legislature.

LESLIE R. BURGUM

Attorney General