

**OPINION  
59-91**

September 25, 1959            (OPINION)

EDUCATION

RE: Reorganization of School Districts - Annexation of  
      Remaining Portions of Reorganized District

We have received your inquiry of September 25, 1959, with reference to interpretation of section 15-5326 of the 1957 Supplement to the North Dakota Revised Code of 1943. The problem involves the meaning of the word "adjacent" as used in that statute.

Section 15-5326 reads as follows:

"ANNEXATION OF REMAINING PORTIONS OF REORGANIZED DISTRICT TO OTHER DISTRICTS. When a portion of any common or special school district has become a part of a reorganized school district under chapter 15-53 of the 1947 (1957) Supplement to the North Dakota Revised Code of 1943, (S.L. 1947, c. 147 and S.L. 1949, c. 159) and a portion of the common or special school district is not included in the reorganized district, such remaining portion, having a taxable assessed valuation of less than one hundred thousand dollars for each teacher employed in the remaining territory, shall become a part of a school district adjacent thereto in the following manner:

1. The county school district reorganization committee shall, within forty-five days after the reorganized district has been approved by the voters, order a hearing for the purpose of determining to which district or districts said remaining territory shall be annexed;
2. The hearing shall be held in a designated school house or a designated place located in the remaining territory and notice of the time and place of the hearing shall be given by publication in the official county newspaper at least ten days before the date of the hearing. Within ten days after the hearing, the county committee shall make an order annexing the territory to adjacent school district or districts; and
3. The decision of the county committee shall be subject to review by the state school district reorganization committee upon petition by a majority of the electors residing in said territory."

A certain area in a common school district was left after reorganization with less than \$100,000.00 of assessed valuation per teacher and must thus be attached to an adjacent district. The present facts are as follows, a certain patron in such an area lives on a quarter section that corners on an area of another district to which he wishes to become annexed. The question then is whether his

land is adjacent to such district so that under the terms of section 15-5326 his land can be legally annexed to this other district.

Webster defines "adjacent" as follows: "Lying near, close or contiguous; neighboring, bordering, juxtaposed."

Various courts have considered this question although I can find no North Dakota case in point.

The courts have quite generally held that "adjacent" means near or in the vicinity, but not necessarily touching or bordering upon, and the word "adjacent" has a broader meaning than the word "contiguous." In a few instances the courts have said that "adjacent" and "contiguous" are synonymous words.

It is our opinion that in this instance where the area sought to be annexed has a common corner with the district it is to be annexed to, and does not result in splitting any district into two separate areas without a common corner or boundary, that the area sought to be annexed as "adjacent" to the annexing district as contemplated by section 15-5326 of the 1957 Supplement.

LESLIE R. BURGUM

Attorney General