



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 28, 1953

Hon. J. M. Fly
County Attorney
Victoria County
Victoria, Texas

Opinion No. S-46

Re: Authority of the Commissioners' Court to spend county funds to hard-surface a piece of land owned by the city of Victoria adjacent to the county courthouse to provide parking space for city and county officials.

Dear Sir:

You have asked substantially the following question:

Can the Commissioners' Court of Victoria County spend county funds to hard-surface a 1/2 block of land owned and controlled by the city of Victoria adjacent to the county courthouse to provide parking space for city and county officials?

Section 51 of Article III of the Constitution of Texas states in part:

"The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever. . ."

Section 52 of Article III of the Constitution of Texas provides in part:

"The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public

Hon. J. M. Fly, page 2 (S-46)

money or thing of value in aid of, or to any individual, association or corporation whatsoever. . ."

If county funds were spent to provide parking space for city and county officials on a city owned and controlled lot, it would be a grant of public money to a municipal corporation, which is prohibited by the above quoted Sections of the Constitution.

Therefore, we are of the opinion that Victoria County is prohibited from spending county funds on city owned and controlled property for a parking area.

We are enclosing a copy of Attorney General's Opinion V-282 (1947) in which it was held permissible for Dawson County to use certain areas on the courthouse yard (owned by the county) for parking purposes and that the county could pay for the cost of paving the same.

SUMMARY

Victoria County's Commissioners Court cannot spend county money on city owned and controlled property to provide parking space for city and county officials. Tex.Const. Art. III, Secs. 51 and 52.

Yours very truly,

APPROVED:

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SCR:am