



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

March 21, 1989

Honorable Roger L. Moore, Esq.
Hudspeth County Attorney
P. O. Box 338
Sierra Blanca, Texas 79851

LO-89-29

Dear Mr. Moore:

You ask about the continuing validity of Attorney General Opinion M-799 (1971). That opinion held that absent specific authority to do so, a county could not lease its real property. The opinion pointed out that although statutes existed authorizing the lease of certain types of county property, there was no general statute authorizing the lease of county real property.

At the time M-799 was issued, former article 1577, V.T.C.S., authorized counties to sell real property, but it did not authorize them to lease real property. In 1973, article 1577 was amended to permit counties to lease real property. Acts 1973, 63d Leg., ch. 499, at. 1329. In 1987 the legislature repealed article 1577 and recodified it as section 263.001 of the Local Government Code.

In summary, a county now has general authority to lease real property owned by the county. Local Gov't Code § 263.001. Such a lease must, of course, comply with statutory requirements.

Very truly yours,

A handwritten signature in cursive script that reads "Sarah Woelk".

Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/lcd

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