

**Opinion No. 195****Lands—Counties—County Commissioners—Exchange of Lands.**

**HELD:** If the county will be benefited by the exchange, the county commissioners may, in the exercise of their discretion, permit one who has purchased or contracted to purchase certain lands from the county to turn back said lands and receive credit for the amount paid on the contract for the purchase of other lands.

May 5, 1933

You ask an interpretation of that portion of Chapter 65 of the Session Laws of 1933, providing as follows:

"The county commissioners may also, after any of said lands have been offered for sale and not sold, when it is deemed for the best interests of the county, exchange said lands for other lands of equal value where the effect of such exchange would be to acquire land which could be leased or sold to better advantage." Particularly you inquire as to whether or not one who has purchased or contracted to purchase certain lands from the county may be permitted to turn back said lands and receive credit for the amount paid on the contract for purchase of other lands.

While the section quoted does not expressly state that such procedure is authorized, it appears to me that the same is within the contemplation of the statute. The matter to be determined by the county commissioners is whether the county will be benefitted by such exchange. If they do determine that it is for the best interests of the county to make such exchange, it appears to me they are authorized to do so.