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(3) otherwise registered in Indiana and in another state,

shall be exempt from inspection in Indiana if said vehicle:

(1) bears a valid inspection sticker issued by such other state, or

(2) meets the safety standards prescribed by the Interstate Commerce Commission or its successor in establishing such standards.

In conclusion, I wish to advise you that no vehicle which is required to be registered in Indiana, proportionally or otherwise, and bears a valid inspection sticker issued by another state nor any vehicle meeting the standards as presently established by the I. C. C. or its successor, the Department of Transportation, is subject to vehicle inspection in Indiana.

OFFICIAL OPINION NO. 29

July 23, 1968

OFFICERS, COUNTY—County Commissioners Conveying County-Owned Realty for Park Purposes. Setting Aside Funds Realized for Recreation Purposes.

Opinion Requested by Mr. John E. Mitchell, Director, Department of Natural Resources.

This is in answer to your request for my opinion on the following questions:

1. May the Board of Commissioners of Elkhart County legally convey real estate owned by the county which real
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estate the Commissioners do not plan to use for county purposes, to the Elkhart County Park Board?

2. If the answer to question 1 is yes, may the value of the land conveyed be used as local funds to match recreational funds derived from the Land and Water Conservation Fund of the Federal Bureau of Outdoor Recreation?

Acts 1923, ch. 189, § 1, as last amended by Acts 1947, ch. 296, § 1, and as found in Burns IND. STAT. ANN. § 26-1501, provides as follows:

"That the board of commissioners of every county in this state is hereby authorized and empowered to carry out a county park and recreation program, and for such purposes may purchase or otherwise acquire and lands within such county for the establishment, maintenance, and operation of public parks and recreation facilities; or to accept, on behalf of the county, any lands which may be granted, devised, bequeathed or otherwise conveyed to such county for such purposes.

"Such board may also accept any gift of land, or the use thereof, or contributions of funds from any other units of government, including the state, or from any other source which may be granted or contributed for the purpose of aiding the county in the exercise of the powers contained in this act.

"The board of commissioners is further authorized and empowered to establish a county board of parks and recreation for the purpose of administering the provisions of this act."

1 R. S. 1852, ch. 20, § 13, as last amended by Acts 1951, ch. 51, § 1, and as found in Burns § 26-620(1), provides that a county board of commissioners may lease real estate belonging to the county if the real estate is not being used for the benefit of the public.

If Elkhart County owns land which was previously being used for a county farm and that county has no further need for that land for that public purpose, the county by and
through its commissioners may set that land aside for park and recreation purposes. The land would continue to be owned by the county but would be placed under the jurisdiction of the Elkhart County Park Board to be used for park and recreation purposes.

Burns § 26-1501, supra, authorizes and empowers the county commissioners to carry out a park and recreation program and in furtherance of the pursuit of that goal grants the commissioners power to purchase or otherwise acquire any lands within such county for the establishment, maintenance and operation of public parks and recreational facilities. This last cited section then when read in conjunction with § 26-620, supra, certainly authorizes the county commissioners to set aside county-owned land for park purposes; or § 26-620 (1) authorizes the county commissioners to make any other respecting property of the county in conformity to law. The resolution setting aside county-owned land for park purposes conforms to § 26-1501 in letter and the spirit of the statute to provide county recreational facilities for the inhabitants of each county of the State of Indiana.

If the Board of Commissioners resolved that the real estate in question is no longer needed for a public purpose the real estate could be released to a non-governmental agency for a term not to exceed 99 years under Burns § 26-620, supra.

It is my opinion that the Board of Commissioners of Elkhart County may set the land in question aside for park and recreational purposes and that the value of the land involved may be used to match recreational funds derived from the Land and Water Conservation Fund of the Federal Bureau of Outdoor Recreation if the possibility of the lease of the real estate for 99 years is ruled to be a sale by the proper federal authorities and if the other standards set by that federal bureau are met.