



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

October 2, 1951

Hon. Howard D. Dodgen Opinion No.V-1295
Executive Secretary
Game and Fish Commission Re: Title to the Colorado
Austin, Texas River bed in the area
 now within the Austin
 city limits which was
 not within those limits
 when House Bill 21, Acts
 49th Leg., 1945, was en-
 acted.

Dear Sir:

You have requested our opinion as to whether the grant by the State to the City of Austin of the bed, banks, and islands of the Colorado River under Acts 49th Leg., 1945, ch.44, p.64, is restricted to the city limits of Austin as they existed upon passage of that Act.

The purpose of the Act as expressed in its caption was to "grant, sell and convey . . . the bed, banks of the Colorado River and the islands in said River, within the present city limits of the City of Austin . . ." The body of the Act, after conveying other land, grants "all land in the Colorado River, within the city limits of the City of Austin, including the bed and banks thereof and islands therein." It would seem that the city limits referred to in the body of the Act were meant to be the limits then existing, but whatever doubts could arise in this regard are dispelled by the caption, which clearly shows an intention by the Legislature to grant to the extent of "present" city limits. In our opinion, the legislative grant intended by this Act is restricted to the city limits of Austin as they existed on March 23, 1945, the effective date of the Act in question.

Your letter cites Article 7467a, V.C.S., releasing to cities with populations of 40,000, or more, according to the 1920 census, river beds within their present or future limits. The Supreme Court of Texas has held that this Act applies only to cities with 40,000 or more population according to the 1920 census, and that

the City of Austin, which had a population of less than 40,000 in 1920, acquired no rights to the bed of the Colorado River by reason of the Act. Maufrais v. State, 142 Tex.559, 180 S.W.2d 144 (1944).

SUMMARY

The grant by the State to the City of Austin of the bed of the Colorado River is restricted to the city limits of Austin as they existed on March 23, 1945, the effective date of Acts 49th Leg., 1945, ch.44, p.64.

Yours very truly

PRICE DANIEL
Attorney General

By



H. D. Pruett, Jr.
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HDP:bt

APPROVED:

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