

PHIL KING  
State Representative  
District 61

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OPINION COMMITTEE



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**RQ-0205-GA**

April 6, 2004

FILE # Mh 43616-04  
I.D. # 43616

The Honorable Greg Abbott  
Attorney General  
State of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

**Re: Request for Opinion regarding the ability of Weatherford College to lease property to a non-profit 501(c)3 corporation**

Dear General Abbott,

For approximately one year the Wesley Foundation, a contemplated non-profit 501(c)3 Texas Corporation, has attempted to obtain a long-term lease agreement from Weatherford College for a portion of its lands. The long-term lease agreement is to be sufficient to accommodate the Wesley Foundation's commitment to facilitate the cost of constructing a student center including a lounge, classrooms, kitchens, and administrative offices for the Weatherford District Superintendent of the United Methodist Church.

The facility to be constructed will be under the control of the Foundation, subject however to significant review and approval provisions relating to the construction plans. The center is to be non-denominational, and while a Chapel is contemplated, the facilities' primary use will be to provide another venue for Weatherford College students' social and educational experiences. It is additionally contemplated that the Foundation will build excess parking which will immediately be used by the College and at the end of the lease term the facility will revert to or pass to Weatherford College.

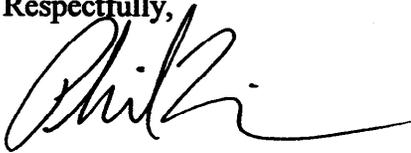
As you can imagine, concerns have been expressed as to the legality of Weatherford College entering into a long-term lease agreement with a 501(c)3 non-profit corporation such as the Wesley Foundation. It is the legality of the proposed lease for which I seek your opinion. I believe the questions below generally set forth what I believe are appropriate questions to be resolved if at all possible:

1. Does current Texas law prohibit Weatherford College from leasing all or a portion of its lands to any entity, including without limitation a 501(c)3 non-profit entity?

2. If permitted, does the non-profit entity's religious affiliation prohibit such a lease agreement as generally outlined in the facts set forth above?

As always, I appreciate your time and look forward to your opinion regarding this situation.

Respectfully,

A handwritten signature in black ink, appearing to read "Phil King", written in a cursive style.

Phil King  
State Representative

PK/tt