

FILE

Subject

*Cities Property
Leasing*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

February 22, 1974

Opinion No. 74- 71

Roy S. Bennett, Jr.
City Attorney of Lake Quivira
P.O. Box 3205
Shawnee, Kansas 66203

Dear Mr. Bennett:

You inquire whether the City of Lake Quivira may lease a pick-up truck owned by the City and purchased for road maintenance, to a private corporation which has contracted to maintain and repair city streets, and for snow removal.

The City of Lake Quivira comprises an area, at least in great part, which was provided various services by a home association prior to incorporation. Prior to purchasing the truck in question, the City had contracted with the association for snow removal, and maintenance and repair of city streets. The city budget is presently insufficient to maintain a full or part-time street department. It has been suggested that the City lease its truck to the association which, as consideration therefor, would continue to maintain and repair city streets and remove snow. The City would provide insurance on the truck, but all other operating expenses, including repairs, would be borne by the association.

We see no legal objection to the lease of a municipally-owned vehicle to a private corporation which has contracted with the City, and which proposes to use the vehicle in the performance of its contract with the City. If, of course, the association is under an existing contractual obligation to perform street repair and snow removal, some additional consideration would be necessary to support the proposed lease. However, in principle, we see no lack of authority for the City to enter into such a lease of the vehicle.

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Page Two

If you should have further questions, please do not hesitate
to call upon us.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Vern Miller".

VERN MILLER
Attorney General

VM:JRM:jsm