



STATE OF KANSAS

*Office of the Attorney General*

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER  
Attorney General

March 17, 1975

Opinion No. 75- 124

Mr. Charles H. Moore  
Abilene Recreation Commission  
City Building  
Abilene, Kansas 67410

Dear Mr. Moore:

You advise that the Abilene Recreation Commission, organized pursuant to K.S.A. 12-1901 et seq. jointly by the City of Abilene and Unified School District No. 435, has become interested in the purchase of a particular building in the City of Abilene, which will become available at some time during the next eighteen months, which would be feasible for use as a community recreational center.

You advise that a levy of one mill is presently made for recreational purposes. You inquire whether the Commission is authorized to spend the proceeds of this levy for the purchase and/or rehabilitation of this property which is proposed to be devoted to community recreation purposes. Under K.S.A. 12-1901, any city or school district is authorized

"to operate a system of public recreation and playgrounds, acquire equipment and maintain land, buildings, or other recreational facilities, employ a superintendent of recreation and assistants . . . and expend funds for the operation of such a system."

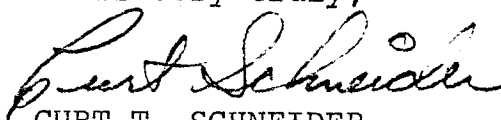
Under K.S.A. 12-1902 the city or school district may "delegate the operation of the system to a recreation commission . . . ." The powers of the city to operate a recreation system, which certainly includes the power to acquire property for that purpose, may thus be delegated to the recreation commission. K.S.A. 12-1907, the

Mr. Charles H. Moore  
Page Two  
March 17, 1975

"amount received from the tax herein provided shall be set over to said commission and used by said commission for the purposes herein set out . . . ."

Thus, so far as concerns K.S.A. 12-1901 et seq., it is a permissible use of the proceeds from the levy to purchase property as described above. Assuming this power is also within the general powers conferred upon the commission by the resolution and/or ordinance under which it is organized, we see no obstacle to the undertaking you describe.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj