



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
Attorney General

April 1, 1975

Opinion No. 75-142

Mr. Dick Cortney  
City Clerk  
WaKeeney, Kansas 67672

RE: K.S.A. 12-602, 603

Dear Dick:

In response to your inquiry concerning certain paving operations designated by resolution of the City Commission under K.S.A. 12-602, I respond as follows:

a) Protest Petition; the specific requirements of K.S.A. 12-602 call for a petition signed by the "resident owners of more than one half of the property liable for taxation therefor . . ." The property liable for taxation, as contemplated within the statute is all of the intended property along the streets designated within the ordinance as proposed for paving. Therefore, the petition, to be valid, would need the signature of one half of all the property owners effected by the ordinance. It is not legally sufficient to separate out certain tracts, or blocks, of land along the proposed route and apply the protest provisions on an individual block by block basis. The Ordinance cannot be subjected to piecemeal attack or protest.

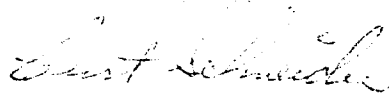
Therefore, the protest petition submitted, appears to contain an insufficient number of signatures and should be disallowed.

b) In regards to your inquiry concerning K.S.A. 2-603, it provides in part that "in all cases when two or more portions of any street . . . have been paved. . . and intervening portions of said street. . . have not been. . . paved. . . the governing body may be resolution causing the intervening portion to be. . .

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paved. . . not to exceed two blocks. . ." Therefore, if the portions of Third street immediately north of Josephine and south of Kedzie are paved, then the City may, by resolution, cause the intervening portion to be paved. There is no protest provisions in K.S.A. 12-603.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

CTS:MCC:tb