



STATE OF KANSAS

## Office of the Attorney General

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

Curt T. Schneider  
Attorney General

September 27, 1976

ATTORNEY GENERAL OPINION NO. 76-300

Mr. Charles H. Apt  
City Attorney  
Post Office Box 328  
Iola, Kansas 66749

Re: Cities--Airports--Disposal

Synopsis: City may transfer municipal airport to county for nominal consideration and agreement of county to operate the property as an airport.

\* \* \*

Dear Mr. Apt:

You advise that the City of Iola is the owner of a municipal airport, which was acquired and improved with the proceeds of airport improvement bonds which have since been retired and paid off in full. The city wishes to transfer ownership of the airport to Allen County, with the understanding and condition that it be used solely for airport purposes. You enclose a copy of the resolution which is to be submitted to the electors of the county in November for their consideration.

You request my opinion whether the city may dispose of this airport to the county at private sale for the sum of \$1.00.

In *State ex rel. Wood v. City of Liberal*, 186 Kan. 694, 352 P.2d 7 (1960), the city proposed to transfer certain land to the board of education for a school building site and operation thereof. The school board agreed to pay a nominal consideration of \$10.00 and agreed to relocate at its expense certain city facilities located on the transferred property, including the municipal golf course, softball diamond and utility lines. The court upheld the transfer.

Mr. Charles H. Apt  
Page Two  
September 27, 1976

K.S.A. 12-101 states in pertinent part thus:

"Article 12, section 5 of the constitution of Kansas empowers cities to determine their local affairs and government by ordinance and enables the legislature to enact laws governing cities. Each city being a body corporate and politic, may among other powers;

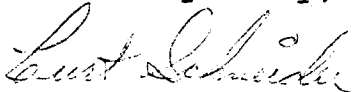
\* \* \*

*Third.* Sell and convey any real or personal estate owned by the city, and make such order respecting the same as may be deemed conducive to the interests of the city, and to provide for the improvement, regulation and government of the same.

*Fourth.* Make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate or administrative powers."

If the city determines it is in the best interests of the city that the property be transferred to the county, in consideration of the payment of the nominal sum and the continued operation of the facility as an airport serving the needs of the city, such a transfer is within the authority, in my judgment.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj