



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

April 28, 1977

ATTORNEY GENERAL OPINION NO. 77- 147

Mr. Dan E. Turner
City Attorney
215 East Seventh Street
Topeka, Kansas 66603

Re: General Obligation Bonds--Municipal Parks--Improvements

Synopsis: Board of commissioners of any city may issue general obligation bonds for the payment of improvements to public parks to include miniature railroad trains to be used for recreation.

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Dear Mr. Turner:

Your recent letter requests my opinion whether the provisions of K.S.A. 13-2521 authorizes the issuance of general obligation bonds of the city to pay for the purchase of certain improvements to public parks. You advise that the City of Topeka wishes to purchase a miniature railroad train to be operated in its public park for the purpose of providing amusement or entertainment to its patrons.

K.S.A. 13-2521 provides thus:

"When the board of commissioners of any city shall deem it necessary, in order to pay for land for parks, parkways and boulevards, or for improving the same or for either such acquisition or improvement they may issue and sell negotiable bonds of such city in

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a sum not to exceed the estimated cost of such land and improvements, to obtain funds therefor, as provided by law."

The provisions of the above quoted language appear clear and unambiguous. It manifestly empowers the city board of commissioners with authority to issue general obligation bonds of the city to pay for improvements to public parks. I find no specific definition in the above statute or the act of which it was a part for the term "improvement." In the absence of such provision it is a rule of statutory construction in this jurisdiction that "words in common use are to be given their natural and ordinary meaning . . ." Roda v. Williams, 195 Kan. 507, 511, 407 P.2d 471 (1965); 2A Sutherland, *Statutory Construction*, § 47.28 (4th ed. 1973). Webster's New Third International Dictionary (1966) defines "improvement:"

". . . the enhancement or augmentation of value or quality: an increasing of profitableness, excellence, or desirability . . ."

Inasmuch as a public park has been defined as a "beneficent provision" maintained by a city "for open-air recreation and diversion" and thus "adds to the happiness of the thousands who avail themselves of its benefits." [Harper v. City of Topeka, 92 Kan. 11, 15, 139 Pac. 1018 (1914)], it appears reasonable to conclude that the miniature train to be maintained in the public park would enhance or augment the public recreation and diversion capability of the park. Accordingly, it is my opinion that the provisions of K.S.A. 13-2527 permit the issuance of general obligation bonds to finance the project here examined.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JPS:kj