



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

August 5, 1977

ATTORNEY GENERAL OPINION NO. 77- 250

Mr. Thomas C. Lysaught
County Counselor
511 Huron Building
Kansas City, Kansas 66101

Re: Counties--Bridges--Construction

Synopsis: There is no Kansas law which imposes a mandatory responsibility on Wyandotte County for the construction and maintenance of bridges over navigable streams located within the corporate limits of Kansas City, Kansas.

* * *

Dear Mr. Lysaught:

You request my opinion concerning the mandatory legal obligation, if any, of Wyandotte County, Kansas, to provide for the construction and maintenance of bridges over the Kansas River located within the corporate limits of the City of Kansas City, Kansas. You advise that for a number of years, the county has borne the responsibility for maintaining that portion of the bridge which spans the river, the city assuming responsibility for constructing and maintaining approaches and viaducts to the river edge.

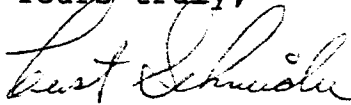
As you point out, art. 14, ch. 65, K.S.A. includes provisions dealing with the responsibility of the county to construct and reconstruct particular bridges when called upon to do so by the United States or by the board of directors of a duly organized drainage district. Under K.S.A. 68-1104, the county is authorized to construct or repair all county bridges and county culverts located on any county road. K.S.A. 68-1501 et seq. authorizes counties and cities to construct bridges over the navigable rivers of the state, and prescribes the procedure to be followed therein.

Mr. Thomas C. Lysaught
Page Two
August 5, 1977

I find no provision, however, which imposes a mandatory responsibility on the county to construct or maintain bridges over navigable rivers located within the corporate limits of any city, and in my judgment, there is no such obligation under the existing laws of the State of Kansas.

Our files do not indicate that any agreement between the County of Wyandotte County and the City of Kansas City, Kansas, respecting bridge maintenance or construction has been filed with our office.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj