ATTORNEY GENERAL OPINION NO. 78-129

The Honorable Jim Parrish
State Senator
3rd Floor - State Capitol
Topeka, Kansas 66612

Re: Highways--City and County Highway Fund--Recipients

Synopsis: An improvement district, such as that organized under K.S.A. 19-2753 et seq., is a "public corporation" and a "body politic and corporate," but it is not a municipal corporation, and is not a "city" as that term is used in K.S.A. 79-3425.

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Dear Senator Parrish:

You advise that you have received an inquiry from a group of constituents, residents of Lakewood Hills Improvement District, asking whether state funds are available to finance the repair of roads within the improvement district. You ask whether an improvement district is a city as that term is used in K.S.A. 79-3425.

An improvement district, such as that created under K.S.A. 19-2753 et seq., is a "public corporation," and a "body politic and corporate." K.S.A. 19-2756. It is not, however, a municipal corporation, and does not constitute a "city" under K.S.A. 79-3425.

Yours truly,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj