

1974

*Roads - City  
Improvements General*



STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
*Attorney General*

September 18, 1974

Opinion No. 74-322

Mr. John Dekker  
City Attorney of Wichita  
City Building Annex  
104 South Main  
Wichita, Kansas 67202

RE: K.S.A. 12-1736--Wichita Art Museum

Dear Mr. Dekker:

We have received a request to issue a formal opinion relative to the applicability of K.S.A. 12-1736 to the Wichita Art Museum "rebuilding" project. We are advised that the anticipated degree of rebuilding will be substantial, albeit less than total. The specific question presented is whether said statute may be utilized for public building projects requiring such extensive reconstruction.

K.S.A. 12-1736 provides:

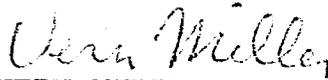
"Any city in this state may erect or construct, acquire by gift, purchase, condemnation or lease a public building or buildings and procure any necessary site therefor by gift, purchase or condemnation and may alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or buildings. The authority herein conferred may also be exercised jointly or in co-operation with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing

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body of the city and the governing body  
of such co-operating governmental unit."  
[Emphasis added.]

The provisions of this statute, although quite broad in scope, appear clear and unambiguous. No intent is manifest to qualify by some quantitative test the authority of a municipality to proceed with any of the authorized projects; any project undertaken by a governing body falling within the generally accepted definitions for the terms "alter, repair, reconstruct, remodel, replace or make additions to, furnish and equip" is permitted irrespective of that particular project's degree of alteration, etc., as compared to the original structure. Accordingly, it is the opinion of this office that the anticipated construction program as identified and detailed in a resolution passed by the governing body of the City of Wichita on September 3, 1974, is properly within the purview of K.S.A. 12-1736.

Very truly yours,

  
VERN MILLER  
Attorney General

VM:JPS:bw

cc: Lawrence Curfman, Esq.  
Suite 830  
First National Bank Building  
Wichita, Kansas 67202