



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

April 21, 1976

ATTORNEY GENERAL OPINION NO. 76-131

Mr. James E. Fleming
Mr. William Langford
Mr. Darrel J. Cahail
902 Wallingford
Wichita, Kansas

Re: Townships--Buildings--Acceptance of Gifts

Synopsis: A township board may accept a gift of property for use as a community building, but may not do so until acquisition of the property by the township is approved by the electorate of the township pursuant to K.S.A. 80-104.

* * *

Gentlemen:

As officers of Riverside Township, Sedgwick County, Kansas, you enclose with your letter to this office of April 12, 1976, a copy of a resolution which you have received from Midland Park Club, a nonprofit corporation, providing that the "north 134 feet of Lot 50 in Midland Park" is "hereby given, transferred and conveyed to Riverside Township" to provide a "community building."

You request my views upon your power as officers of the township to accept this gift of real property. K.S.A. 80-104 states thus:

"The township trustee, clerk and treasurer of the several organized townships in the state of Kansas, in addition to the powers that are now conferred upon them by law, shall have power to procure not to exceed three acres of land for the

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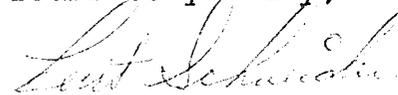
township, and to build thereon permanent buildings, or to purchase school building or grounds or both the building and grounds the same to be used for public purposes, such as meetings relating to township business, political gatherings, township fairs, entertainments, whether for free use or for hire and profit, at which an admission price may be charged *Provided further,* That in no event shall said township officers proceed to procure said land or erect said buildings thereon or purchase such schoolhouse or appropriate any of the moneys of said township or levy any tax therefor without first submitting the question to a vote of the electors of said township"

Thus, the township board is authorized and empowered to "procure" property for a township and community building purposes. Although acquisition by gift is not specifically enumerated in this provision, the term "procure" is sufficiently broad to encompass acquisition or procurement by gift.

Under the proviso quoted above, the board may not procure land or buildings or both for such purposes "without first submitting the question to a vote of the electors of said township," and this is so whether township moneys are to be spent for the property, whether a tax levy will be made to fund the project, or whether no moneys of the township are involved whatever in the acquisition of the project.

In short, it is my opinion that the township board is authorized to accept this gift and conveyance of property to the township, but it may do so only after the question of acquiring the property is submitted to the electors of the township and approval thereof by a majority of said voters.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj