


American Jurisprudence, Second Edition
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Municipal Corporations, Counties, and Other Political Subdivisions
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XII. Property
A. Acquisition and Ownership


[Topic Summary Correlation Table References](#)

§ 471. Property for municipal or public purposes

West's Key Number Digest

West's Key Number Digest, [Counties](#)  103, 106

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West's Key Number Digest, [Towns](#)  35.3, 35(1), 35(2)

Trial Strategy

[Proof of Offer and Acceptance of Dedication of Land to Public Use, 77 Am. Jur. Proof of Facts 3d 1](#)

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[Am. Jur. Legal Forms 2d § 180:85](#) (Resolution accepting historic landmark)

Municipalities may acquire and hold title to real property only for legitimate corporate purposes.[1] Because a municipal corporation or county may not expend public funds for a purpose that is not public, such entities have no authority to purchase and hold property for a purpose not connected with a public use.[2] Valid municipal purposes for which property may be purchased include developing a state prison,[3] maintaining off-street parking facilities,[4] operating a municipal landfill,[5] owning and leasing a miniature golf course,[6] and maintaining a sewage system.[7] In contrast, land acquired by a village solely to frustrate efforts to acquire such land for a forest preserve is not acquired for a valid public purpose.[8]

Municipal corporations may hold real estate that is not devoted or intended to be devoted to any public purpose when such property has come to it by a lawful gift or devise[9] or has ceased to be used for the public purpose for which it was originally acquired.[10]

[FN1] [Lewis v. City of Shreveport, 108 U.S. 282, 2 S. Ct. 634, 27 L. Ed. 728 \(1883\); Timothy Christian Schools v. Village of Western Springs, 285 Ill. App. 3d 949, 221 Ill. Dec. 261, 675 N.E.2d 168 \(1st](#)

Dist. 1996); *Hogge v. Rowan County Fiscal Court*, 313 Ky. 387, 231 S.W.2d 8 (1950); *Wilson Coalition v. Mayor and Common Council of City of Summit*, 245 N.J. Super. 616, 586 A.2d 346, 65 Ed. Law Rep. 811 (Law Div. 1990).

[FN2] *Walbridge v. Carroll*, 172 Ohio App. 3d 429, 2007-Ohio-3586, 875 N.E.2d 144 (6th Dist. Wood County 2007); *Holecek v. Sundby*, 2007 SD 128, 743 N.W.2d 131 (S.D. 2007).

[FN3] *Burks v. City of Licking*, 980 S.W.2d 109 (Mo. Ct. App. S.D. 1998).

[FN4] *CLEAN v. City of Spokane*, 133 Wash. 2d 455, 947 P.2d 1169 (1997).

[FN5] *State ex rel. Birk v. City of Jackson*, 907 S.W.2d 181 (Mo. Ct. App. E.D. 1995).

[FN6] *Kautza v. City of Cody*, 812 P.2d 143 (Wyo. 1991).

[FN7] *Kelley v. City of Griffin*, 257 Ga. 407, 359 S.E.2d 644 (1987).

[FN8] *Village of Fox River Valley Gardens v. Lake County Forest Preserve Dist.*, 224 Ill. App. 3d 919, 166 Ill. Dec. 855, 586 N.E.2d 813 (2d Dist. 1992).

[FN9] *Treadwell v. Beebe*, 107 Kan. 31, 190 P. 768, 10 A.L.R. 1359 (1920);

Kennedy v. City of Nevada, 222 Mo. App. 459, 281 S.W. 56 (1926); *Berg Development Co. v. City of Missouri City*, 603 S.W.2d 273 (Tex. Civ. App. Houston 14th Dist. 1980), writ refused n.r.e., (Oct. 29, 1980).

As to the possibility of reverter when land is gifted or devised upon condition, see *Am. Jur. 2d, Estates § 207*.

[FN10] *Kennedy v. City of Nevada*, 222 Mo. App. 459, 281 S.W. 56 (1926).

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