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Municipal Corporations, Counties, and Other Political Subdivisions

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XII. Property

B. Buildings and Structures, in General

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§ 500. EDUCATIONAL, CULTURAL, AND RECREATIONAL PURPOSES

Municipalities may maintain institutions for educational as well as recreational purposes, such as **libraries** and botanical and zoological gardens. [\[FN1\]](#) A statutory authorization to establish and maintain parks, playgrounds, and recreation centers includes zoos [\[FN2\]](#) and bathing beaches. [\[FN3\]](#) Similarly, a municipal corporation may be given authority to erect and conduct an opera house. [\[FN4\]](#)

Legislative authorization for a municipal corporation to construct and operate buildings devoted to public uses and recreation facilities has been held to permit a municipality to construct a building designed to house professional and amateur athletic events. [\[FN5\]](#)

[\[FN1\]](#). [City of Tombstone v. Macia](#), 30 Ariz. 218, 245 P. 677, 46 A.L.R. 828 (1926); [People v. Seymour](#), 16 Cal. 332, 1860 WL 953 (1860). (agricultural hall); [City of Owensboro v. Board of Trustees of Public Library of Owensboro](#), 210 Ky. 482, 276 S.W. 143 (1925) (**library**); [Booth v. City of Minneapolis](#), 163 Minn. 223, 203 N.W. 625 (1925) (botanical and zoological gardens); [School Dist. of Kansas City v. Kansas City](#), 382 S.W.2d 688 (Mo. 1964); [Jamison v. City of Charlotte](#), 239 N.C. 682, 80 S.E.2d 904 (1954); [Meyer v. City of Cleveland](#), 35 Ohio App. 20, 171 N.E. 606 (8th Dist. Cuyahoga County 1930); [Capen v. City of Portland](#), 112 Or. 14, 228 P. 105, 35 A.L.R. 589 (1924); [Laird v. City of Pittsburg](#), 205 Pa. 1, 54 A. 324 (1903) (public **library**).

[\[FN2\]](#). [O'Bryan v. City of Louisville](#), 382 S.W.2d 386 (Ky. 1964).

[\[FN3\]](#). [Richardson v. Jackson County](#), 432 Mich. 377, 443 N.W.2d 105 (1989) (not followed on other grounds as dicta, [Dedes v. South Lyon Community Schools](#), 199 Mich. App. 385, 502 N.W.2d 720, 84 Ed. Law Rep. 500 (1993)).

[\[FN4\]](#). [Egan v. City and County of San Francisco](#), 165 Cal. 576, 133 P. 294 (1913) (distinguished by, [Los Angeles County v. Nesvig](#), 231 Cal. App. 2d 603, 41 Cal. Rptr. 918 (2d Dist. 1965)).

[\[FN5\]](#). [Appeal of Torbik](#), 548 Pa. 230, 696 A.2d 1141 (1997).

A municipality clearly has the power to construct a public auditorium, and there is no substantial difference from the legal standpoint between the construction of a public auditorium for indoor gatherings and the construction of a stadium for outdoor gatherings at such events as patriotic celebrations, school pageants, carnivals, and athletic events. [Meyer v. City of Cleveland](#), 35 Ohio App. 20, 171 N.E. 606 (8th Dist. Cuyahoga County 1930).

A statute authorizing the issuance of bonds by a municipal corporation for "parks" and "ball parks" permitted a municipality to issue bonds for the construction of an athletic stadium. [City of Waco v. McCraw](#), 127 Tex. 268, 93

[S.W.2d 717 \(1936\).](#)

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