



OFFICES OF THE  
**ATTORNEY GENERAL OF MISSOURI**  
JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

January 23, 1973

OPINION LETTER NO. 71

Honorable Walter H. Mueller, Jr.  
State Representative, District 93  
Room 101D, State Capitol Building  
Jefferson City, Missouri 65101

Dear Representative Mueller:

This letter is in response to your request for an opinion which we understand asks whether a city of the fourth class can pay for repairs for an entrance into a subdivision of the city when the entrance is outside the city limits in an unincorporated area of a first class county.

Section 71.340, RSMo, provides:

"The mayor and city council of any city or the chairman and board of trustees of any incorporated town or village shall have the power to annually appropriate and pay out of the treasury of such city or incorporated town or village a sum of money, not to exceed ten percent of the annual general revenue thereof, for the purpose of constructing, building, repairing, working, grading or macadamizing any public road, street and highway and any bridge thereon leading to and from such city or incorporated town or village; and such appropriation shall be made by ordinance and the money so appropriated shall be applied under the supervision and direction of the engineers of such city or incorporated town or village, and of the county highway engineer of the county in which such city, town or village is located, or of some competent person selected by such

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city, town or village and approved by the county highway engineer, who shall make a report thereof, in writing, to the mayor and city council of such city, or to the chairman and board of trustees of such incorporated town or village; but this privilege shall not extend to a greater distance than five miles from the corporate limits of such city, town or village, and shall not be construed so as to allow any obstruction to or interference with the free use of any such public road, street or highway by the public, except so far as may be necessary while such work is being done, and further shall not be construed to affect the liability of such city, town or village, which liability shall be the same as if such roads, streets and highways were inside the city limits."

We believe this section answers your question.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH  
Attorney General