

SPECIAL ROAD DISTRICTS: May be formed within limits of incorporated township and include area of city of fourth class.

May 16, 1944

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Hon. D. D. Thomas, Jr.
Prosecuting Attorney
Carroll County
Carrollton, Missouri

Dear Mr. Thomas:

This is an acknowledgment of your letter of inquiry addressed to the General on May 11, 1944, relating to the organization of a special road district and which is as follows:

"The officials of the town of Norborne, Missouri, and the members of the Board of Egypt Township, in which said town is wholly located have jointly asked that I request your opinion, on the following:

"Carroll County is under Township organization. The town of Norborne has a population of about fifteen hundred. The residents of the town, in company with those residing in Egypt Township outside the city limits, desire to petition the County Court for the formation of a Special Road District, the boundaries of which shall be the present boundaries of said Egypt Township.

"May the real estate lying within the city limits be included in such District?

"It appears that the contemplated proceedings are governed by Section 8836 et seq, R. S. Mo. 1939."

Section 8836, R. S. Mo., 1939, is in part as follows:

"In counties now operating or which may hereafter operate under township organization, whenever it is proposed to form a special road district within the limits of one or more incorporated townships such proposed district shall be organized in the manner hereinafter prescribed.* * *"

"* * *Districts so organized may be of any dimensions that may be deemed necessary or advisable, except that every district shall be included wholly within the county organizing it and shall contain at least six hundred and forty acres of contiguous territory. * * *" (Underscoring ours.)

Section 8837 thereof is in part as follows:

"Whenever a petition, signed by the owners of a majority of the acres of land owned by residents of the county residing within the district proposed to be organized, and setting forth the proposed name of the district, and giving the boundaries thereof and the number of acres owned by each signer and the names of other owners of land residing within such boundaries so far as known, and the number of acres owned by each so far as known, and praying for the organization of a special road district in accordance with this article, shall be filed in the office of the clerk of the county court thirty days before the beginning of the next regular term of said court, the said clerk shall give notice by at least three publications in some weekly newspaper printed in the county, or by at least five handbills put up at public places within the district, of the presentation of said petition, and of the date of the beginning of the next regular term of the county court at which the same may be heard.* * *"

CONCLUSION

Therefore, it is the opinion of this department that a special road district may be organized under the provisions

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of Section 8836, supra, within the limits of Egypt Township and may comprehend all or any part of the area of the city of Norborne.

Respectfully submitted,

SVM:EH

S. V. MEDLING
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General