

ROAD DISTRICTS: Residents of a special road district organized under Article 11, Chapter 46, R. S. Mo. 1939, cannot withdraw or detach themselves from the road district.

November 15, 1948

Honorable George P. Adams
Prosecuting Attorney
Audrain County
Mexico, Missouri



Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"The residents of a certain school district which is located entirely in a certain special benefit assessment road district desire to withdraw or detach themselves from the road district and have asked that I write you for an opinion as to whether this can be done, and if so, what procedure must be followed.

"They would also like to know if they are separated will the county be obligated to care for the large bridges within the newly formed road district?"

We note that Audrain County is not under township organization. Therefore, the special road district you refer to is one organized under the provisions of Article 11, Chapter 46, R. S. Mo. 1939. We are unable to find in such article any provision whatsoever for any resident or residents to withdraw from such special road district. When the road district is established by the county court in the order made by such court setting out the boundaries of the district as established, all land within the boundaries of such district remains a part of such district until a statutory dissolution of the road district, as provided in Article 11, Chapter 46, R. S. Mo. 1939, has been made. The only provision in such article is for a complete dissolution.

Honorable George P. Adams

CONCLUSION

It is the opinion of this department that those persons who reside in and on land within the boundaries of a special road district, organized under provisions of Article 11, Chapter 46, R. S. Mo. 1939, have no power to withdraw or detach themselves from the road district.

It is further the opinion of this department that such road district may be dissolved if the statutory requirements found in Article 11, Chapter 46, are complied with.

Respectfully submitted,

C. B. Burns, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General