

ROAD DISTRICTS:--District organized under article 9 of chapter 42,
may, under Section 8059, R. S. Mo. 1929, extend
boundaries to twelve mile square.

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January 30, 1934.

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Mr. Elliott M. Dampf,
Prosecuting Attorney,
Jefferson City, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which
you inquire as follows:

"Will you please give me your opinion as
to whether Special Road Districts have a
right to extend their boundaries beyond
the eight mile limit, where they are or-
ganized (Under article 9, page 2259,
Revised Statutes 1929, Sections 8024 and
8059)."

Section 8024, R. S. Mo. 1929, provides as follows:

"Territory not exceeding eight miles square,
wherein is located any city, town or vill-
age containing less than one hundred thou-
sand inhabitants, may be organized as
hereinafter set forth into a special road
district: Provided, however, the provi-
sions of this section shall not apply to
counties under township organization, and
shall not apply to all counties in this
state now containing or which may here-
after contain 50,000 inhabitants or more
and lying adjoining any city of this
state containing 300,000 inhabitants or
more."

Section 8059, R. S. Mo. 1929, provides that whenever
the inhabitants of any special road district already formed
under this article (article 9 of chapter 42) shall desire to
extend the boundaries of such district and take in territory
not included in the original district, they may do so by
filing a petition with the County Court and calling an elec-
tion of the inhabitants of the district. Upon a majority
of the votes cast being in favor of the extension, the ex-
tension may be had. The Section further provides:

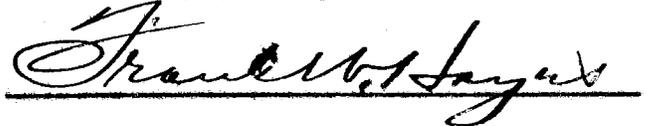
*****Any special road district extended
under the provisions of this section may
be extended so that after such extension

it shall not be more than twelve miles square."

While it appears that under Section 8024, R. S. No. 1929, of article 9, upon the original organization the territory of the road district shall not exceed eight miles square, however, under section 8059, which is in the same article, the Legislature has provided that the boundaries of such road district, by following the proceedings outlined in said section, may be extended so that the district shall not be more than twelve miles square.

It is therefore our opinion that if the district is organized under article 9 of chapter 43, that after its organization it may later extend its boundaries so that after such extension it shall not be more than twelve miles square.

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.

FWH:S