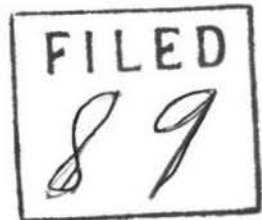


SPECIAL ROAD AND  
BRIDGE FUND:

Authority of township directors, *under* township organization, to use special road and bridge fund in improving or repairing any street in a city within said township.

August 14, 1944



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

Dear Sir:

Your letter of recent date has been received. It is noted that in your letter you say the following:

"Under date of March 27, 1944, your office furnished me an opinion, prepared by Mr. Medling, that township road and bridge fund, in counties under township organization, may not be expended in improving streets of a city of the fourth class which is within the boundary of such township, except portions of such streets as form connecting links in a system of public roads of the township.

"I dislike bothering you further on this matter, but at the request of the city officials of Norborne, and the township board, I now respectfully request your opinion, upon the proper interpretation of Section 8821 R. S. Mo. 1939, with particular reference to that portion thereof commencing with the word 'provided'. Is this section to be construed to mean that any street in a town such as Norborne which is not a dead end street forms a part of a continuous highway, of a township leading through the town?

"I would appreciate an opinion at the earliest date possible."

Section 8821, Article 17, Chapter 46, R. S. Missouri, 1939, is as follows:

"The township board of directors of any township may, annually, in their discretion, at the same time and in the same manner as taxes are now required by law to be levied for county purposes, levy an annual tax in addition to those now authorized by law, in any amount not exceeding twenty-five cents on each one hundred dollars valuation on all property subject to taxation in such township, to be known as a special road and bridge fund: Provided, that the part of said special road and bridge tax arising from and paid upon property not situated in any road district, special or otherwise, shall be placed to the order of the township road and bridge fund and be used in construction and maintenance of roads and improving or repairing any street in any incorporated city or village in the township, if said street shall form a part of a continuous highway of said township leading through such city or village."

Reading the provisions of said section, it would appear that it would be necessary for a street within an incorporated city in a township under township organization to form a part of a continuous highway of said township leading through such city, before the board of directors of the township would be authorized to use any part of the special road and bridge fund, authorized to be created by said section, for improving or repairing any such street.

Whether any such street in any such city in any such township would form a part of a continuous highway of said township leading through such city would undoubtedly be a question of fact involving proof of whether the street does form a part of and a link in a continuous highway of such township leading through such city.

Mr. D. D. Thomas, Jr.

-3-

August 14, 1944

CONCLUSION

It is the opinion, therefore, of this department that in counties under township organization the special road and bridge fund may not be used in improving or repairing any street of a city in such township except where such street, under established facts, forms a part of and is a connecting link in a continuous highway of said township leading through such city.

Respectfully submitted

GEORGE W. CROWLEY  
Assistant Attorney General

APPROVED:

---

ROY McKITTRICK  
Attorney General

GWC:HR