

SPECIAL ROAD DISTRICTS: A special road district organized under the provisions of Article XI, Section 8711, cannot extend its boundaries there being no statutory provision therefor. RS 92
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6/27/50

Honorable Richard Collins
Prosecuting Attorney
Polk County
Bolivar, Missouri



Dear Mr. Collins:

We have your recent letter in which you request an opinion of this department. Your letter is as follows:

"Articles ten and eleven, Chapter 46, Revised Statutes 1939, provide for the formation of special road districts. Section 8708 of Article 10 provides how boundaries of special road districts already formed under Article 10 may be extended. There is no section in Article 11 providing how boundaries of special road districts already formed under Article 11 may be extended. Section 8731 of Section 11 provides how several road districts already formed under Section 11 can be dissolved; section 8711 of Section 11 provides how special road districts can be formed.

"I request an opinion on the following question: Can the boundaries of a special road district formed under Article eleven be extended in any way other than by first being dissolved and then reformed with extended boundaries?"

We have examined Articles X and XI, R.S.A. Mo. 1939, and more specifically the sections referred to by you and find that as indicated by you, while there is a statutory provision providing procedure for the extension of boundaries of special road districts organized under Article X, there is no corresponding provision for the extension of the boundaries of special road districts organized under the provisions of Article XI.

Hon. Richard Collins

It is our opinion that since a special road district is purely a creature of the statute it has only such powers as are specifically conferred by statute and that there being no statutory provision for extension of the boundaries of a special road district organized under Article XI, such a district cannot extend its boundaries. As suggested by you the special road districts of which certain portions of the land embodied in the proposed enlarged district constitute a part might be dissolved pursuant to the provisions of Section 8731, Article XI, R.S.A. Mo. 1939, after which dissolution a new district could be formed under the provisions of Section 8711, Article XI, R.S.A. Mo. 1939.

CONCLUSION

We are accordingly of the opinion that there is no way that the boundaries of an existing special road district organized under the provisions of Article XI, Chapter 46, R.S.A. Mo. 1939, may be extended but that a new district may be formed after the dissolution of the districts which territorially constitute parts of the proposed new district.

Respectfully submitted,

SAMUEL M. WATSON
Assistant Attorney General

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APPROVED:



J.E. TAYLOR
Attorney General