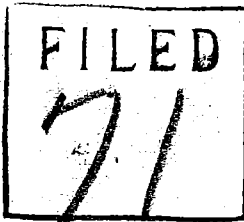


SPECIAL ROAD DISTRICTS:  
DISSOLUTION:  
ORGANIZATION:

In order to form two special road districts out of one existing special road district, the existing district must be dissolved according to applicable law, and the two new districts organized out of the territory formerly comprised in the dissolved district.



February 18, 1954

Honorable W. H. Pinnell  
Prosecuting Attorney  
Barry County  
Cassville, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"In this county there is a large Special Road District in which some of the members at one end of the District wish to form another separate and Special Road District. In other words the District is situated so geographically that it could be formed into a north and south Road District.

"Will you please give me an opinion from your office first if this can be done and second if it can be done the exact procedure for creation of the Special Road District."

From your letter we deduce that you wish to know how two special road districts can be created out of one existing special road district. We first note that Barry is not a Township organization county.

A careful search of the Missouri law applicable to special road districts fails to disclose any method or provision whereby one special road district may be divided into two separate special road districts. We find nothing in the law which indicates that our lawmakers contemplated any such action. In lieu of such method or provision it is our opinion that in order to divide your special road district and out of it form two districts, you would have to dissolve the present district and organize the territory which it now comprises into two new districts. If your present special road district is a city or town road district organized under the provisions of Section 233.010 et seq., RSMo. 1949, then its dissolution would be effected according to the provisions of Section 233.160 et seq., RSMo. 1949. If, however, your present special road district is

Honorable W. H. Pinnell

a benefit assessment district organized under Section 233.170 et seq., RSMo. 1949, then its dissolution would be effected under Section 233.295 et seq., RSMo. 1949. Likewise organization of the two new special road districts would be, if one or both are to be city or town special road districts, under Section 233.010 et seq., RSMo. 1949, and, if either or both are to be benefit assessment districts, organization would be under Section 233.170 et seq., RSMo. 1949.

CONCLUSION

It is the opinion of this department that in order to form two special road districts out of one existing special road district that the existing district must be dissolved according to applicable law, and the two new districts organized out of the territory formerly comprised in the dissolved district.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Hugh P. Williamson.

Very truly yours,

John M. Dalton  
Attorney General

HPW/vtl