

August 26, 1966

OPINION NO. 404
Answered by letter-Randolph

Honorable William J. Esely
Prosecuting Attorney
Harrison County
P. O. Box 104
Bethany, Missouri



Dear Mr. Esely:

This letter is in answer to your request for an opinion of this office on the question whether the County Court of Harrison County has the authority to contribute money to Bethany, Missouri, located within the county, for the purpose of assisting in the resurfacing of the city streets of the square surrounding the Court-house in Bethany. You state that the county owns a portion of the ground used for the city streets.

We enclose a copy of Opinion No. 131, issued May 26, 1966, to Honorable Don Witt, holding that a county court may not expend county general revenue monies for repair of city streets where such streets do not form a part of a continuous county road system.

The ruling in said opinion applies in the instant matter, regardless of ownership by the county of part of the land used for city streets. A use otherwise unlawful for county purposes does not become unlawful by being performed on or in connection with county property. The power of the county court to expend county money is restricted to lawful county purposes which do not include repair or resurfacing of city streets except as stated in the enclosed opinion.

Of course, as is pointed out in Amended Opinion No. 131, 1966, a county may be required to pay its proportionate share of public work improvements.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

Enclosure:
Opinion No. 131 (1966)