

ROADS:  
BRIDGES:

Where a public road is closed or abandoned, the county would have a reasonable time to remove a bridge located on a county road. Title to the bridge does not revert to the adjoining landowners.

OPINION NO. 174

July 20, 1967



Honorable Thomas P. Baker  
Prosecuting Attorney  
Putnam County  
Unionville, Missouri

Dear Mr. Baker:

This opinion is prepared to answer your inquiry whether the title to a county bridge located on a county road that was duly vacated is vested in the county or the adjoining landowners to the vacated road.

We further assume that the county, within a reasonable time of the abandonment of the road, seeks to obtain the possession of the bridge; and further, that there is no provision, either by deed or otherwise, that the bridge should become the property of the landowner if such road was closed or abandoned.

The Springfield Court of Appeals in Special Road District No. 4 of Bollinger County vs. Stepp, 4 S.W.2d 480, 481 decided the question where the Court ruled as follows:

"[4] Defendant at the trial contended that he had relinquished the right of way at and approaching the bridge, with a reservation that, when the right of way was no longer used for a road, it would revert to him. He claims to have executed and delivered to the county court a right of way deed containing such reservation, but no such deed was produced, and a diligent search failed to find such deed. Defendant, however, introduced evidence tending to show that he did execute and deliver such deed, but he says himself that there was no provision in the deed whereby the bridge should be his property if the road on which it was

Honorable Thomas P. Baker

installed was abandoned as a public road.  
\* \* \* \* Defendant was clearly in the wrong  
and plaintiff, under the law, was clearly  
entitled to the remedy it sought."

We conclude, based on the above decision, that the county  
would own the bridge upon abandonment of the road under the assumed  
facts which are set out above.

CONCLUSION

It is the opinion of this office that:

Where a county road on which there is a county bridge is  
duly abandoned, the county retains title and the right of removal  
of the bridge provided such removal is done within a reasonable  
time after abandonment of the county road.

The foregoing opinion which I hereby approve was prepared  
by my assistant, Richard C. Ashby.

Yours very truly,

  
NORMAN H. ANDERSON  
Attorney General