

May 7, 1973

OPINION LETTER NO. 177
Answer by Letter - Klaffenbach

Honorable William B. Waters
Missouri Senate, District 17
426 Capitol Building
Jefferson City, Missouri 65101

Honorable Stan Thomas
State Representative, District 18
313 Capitol Building
Jefferson City, Missouri 65101



Gentlemen:

This letter is in answer to your opinion request asking whether an eight mile road district organized under the provisions of Sections 233.010, RSMo et seq., is automatically dissolved when a county becomes a first class county.

Your question arises because of the provisions of Section 233.010, which states:

"Territory not exceeding eight miles square, wherein is located any city, town or village containing less than one hundred thousand inhabitants, may be organized as herein set forth into a special road district; provided, however, the provisions of this section shall not apply to counties under township organization or to class one counties"

In our Opinion No. 18, dated October 13, 1947, to Collier, copy enclosed, we held that such road districts were not automatically dissolved when a county votes in township organization. We believe the reasoning contained in that opinion is applicable in the premises and that an eight mile road district is not automatically dissolved when a county becomes a first class county.

Honorable William B. Waters
Honorable Stan Thomas

We wish to caution you however that an opinion of this office does not have the force of law. Considering the complexities involved in reaching such a conclusion in the absence of a statutory provision or decision of an appellate court of this state directly in point and the likelihood that litigation as to tax levies by such districts and distribution of road and bridge taxes to such districts will be instituted, it would be wise to introduce legislation which will clearly resolve the issues presented.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 18
10/13/47, Collier