

ROAD DISTRICTS:-Under Article X of Chapter 42, creation and dissolution of road district is under jurisdiction of the County Court, and a proceeding for change in the boundaries must be taken up through the Court.

February 20, 1934.



Mr. Elliott M. Dampf,
Prosecuting Attorney,
Jefferson City, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"I would appreciate your opinion as to whether it is lawful for Special Road District Number 1, to take in a part of Special Road District Number 16, without a vote of the people in District Number 16."

Article X of Chapter 42, R. S. Mo. 1929, deals with the organization of Special Road Districts. Section 8061 provides that the County Courts of counties not under township organization shall divide the territory of their respective counties into road districts. Section 8062 provides how the organization of such districts shall be effected, and provides for the filing of remonstrances in opposition to the formation of such districts. Section 8081 provides for the dissolution of road districts whenever such road district has no commissioners or has failed to elect commissioners at any regular election, or has failed to hold a special election to elect a commissioner, or where the district has ceased to perform functions as such. Section 8082 provides for the dissolution of districts whenever the owners of a majority of acres of the land within the district file a petition with the County Court.

We find no provision in this Chapter which authorizes one district to take over land or territory in another district. This Chapter provides for the organization and dissolution of districts by the County Court and if it were possible for the districts to voluntarily change their boundaries as to incorporate lands of other districts, it would be in conflict with the provisions of this Chapter. We find no express provision giving the authority to any district to take over a part of the territory incorporated in a district by the County Court.

We believe that a reading of this Chapter by

you will disclose that the organization and dissolution of districts is under the jurisdiction of the County Court. If the district desires to be dissolved and have all or a portion of its territory incorporated into an existing district, we believe that this Chapter must be complied with and that the matter is under the jurisdiction of the County Court.

In answer to your inquiry we do not find that there is any statutory authority under this Chapter to incorporate into any district territory formerly included in another district, unless under the order of the County Court, pursuant to the provisions of this Chapter.

Very truly yours,

FRANK W. HAYES,
Assistant Attorney General.

APPROVED:

Attorney General.

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