

SPECIAL ROAD DISTRICTS: May spend one-fourth of their revenue on streets of cities located in such districts.

August 23, 1943

8/24



Hon. H. Calvin Wilson, Chairman,
De Soto Special Road District
502 Jefferson Street
De Soto, Missouri

Dear Mr. Wilson:

The Attorney-General wishes to acknowledge receipt of your letter of August 17, 1943, in which you requested an opinion of this Department. This request, omitting caption and signature, is as follows:

"The undersigned De Soto Special Road District Board, of Jefferson County, Missouri, desire information as to the method that money of said road district may be spent in the city limits of an Incorporated City.

"The officials of the City of De Soto, Mo. have asked the De Soto Special Road District to give the said City of De Soto, Mo. a sum of \$500. to be spent on streets in the City of De Soto, Mo.

"Kindly advise if the Special Road District is empowered to give the City of De Soto, Mo. any sum of money to be used in the City Limits of said town, or in what manner such funds should be handled, should the said special road district feel inclined to make improvements in the City Limits of said incorporated town, and any other suggestion you may have to offer on this subject."

In view of the fact that the above request did not state what type of special road district was involved, a letter

was written by the undersigned requesting information as to that fact, and on August 21, 1943, you wrote a letter to this Department with the following contents:

"In reply to yours of 18th, in regard to information desired by the DeSoto Special Road District, will say that the district is 'Eight Mile District,' as this district is eight miles square."

Article 10, Chapter 46, Revised Statutes of Missouri, 1939, deals with special road districts of the type of which you are a officer, which is a road district not exceeding eight miles square.

In answer to your inquiry as to whether or not a special road district such as this one may expend part of its funds for improvement to a city street, which city is located in such road district, we wish to cite you to Section 8683, R. S. Mo. 1939. This section is as follows:

"Said board shall have authority to expend not more than one-fourth of the revenue which may now or which may hereafter be paid into its treasury for the purpose of grading and repairing any roads or streets within the corporate limits of any city within said special road district in conformity with the established grade of said roads and streets in said cities and for the purpose of constructing and maintaining macadam, gravel, rock or paved roads or streets within the corporate limits of any city within the said special road district in conformity with the established grade of said roads and streets in said city: Provided, that no part of the revenue of any special road district in this state be expended outside of the county in which such special road district is situated."

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This section specifically states that a road district such as the one in question may expend one-fourth of its revenue on the roads and streets of any city within such road district's limits. However, we do not feel that such revenue should be turned over or given to such city for the purpose of the improvement of its roads and streets. The board is given authority to expend one-fourth of its revenue and we think that in order to expend such revenue it is necessary that the work be done by the road district on the city streets and that it pay the costs of same. However, we do not believe, as stated above, that one-fourth of the revenue of the district should be turned over to the city to expend on their streets as they see fit. We might further state, in answer to your question as to whether a sum of \$500.00 could be turned over to the City of De Soto, that this amount may be expended if it does not exceed one-fourth of the revenue of the special road district.

Conclusion

Therefore, it is the opinion of this Department that under Section 8683, R. S. Mo. 1939, a special road district, to-wit, of the type authorized under Article 10, Chapter 46, R. S. Mo. 1939, has authority to expend one-fourth of its revenue on the streets of the city which is located in its limits, but such work must be done by the road district itself and the amount of money expended shall not exceed one-fourth of the revenue of such road district.

Respectfully submitted,

JOHN S. PHILLIPS
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

JSP:EG