

FIRST REGULAR SESSION

HOUSE BILL NO. 1188

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FAITH (Sponsor), DEMPSEY, ONDER,
SMITH (14) AND FUNDERBURK (Co-sponsors).

Read 1st time March 27, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2691L.011

AN ACT

To repeal section 228.110, RSMo, and to enact in lieu thereof one new section relating to vacating roads.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 228.110, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 228.110, to read as follows:

228.110. 1. Any twelve residents of the township or townships through which a road runs may make application for the vacation of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts. The petition shall be publicly read on the first day of the term at which it is presented, and the matter continued without further proceedings until the next term.

2. Notice of the filing of such petition and of the road sought to be vacated shall be posted up in not less than three public places in such township or townships, at least twenty days before the first day of the next term of the commission, and a copy of the same shall be personally served on all the persons residing in the district whose lands are crossed or touched by the road proposed to be vacated in the same manner as other notices are required to be served by law; and at the next regular term the same shall again be publicly read on the first day thereof.

3. If no remonstrance is made thereto in writing, signed by at least twelve residents of the township, the commission may proceed to vacate such road, or any part thereof, at the cost of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve residents of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 such township or townships, is filed, and the commission after considering the same shall decide
16 that it is just to vacate such road, or any part thereof, against the vacation of which the
17 remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original
18 costs, and damages for opening such vacated road shall be paid by the petitioners to those who
19 paid the same, except that if five years have elapsed since the original opening of the same no
20 such reimbursement shall be made.

21 **4. Notwithstanding any other provision of this section to the contrary, in any**
22 **county with a charter form of government, any twenty-five residents of the county through**
23 **which a road subject to this section runs and who reside on any portion of such road or on**
24 **another road that intersects such road and within one mile of the right-of-way to be**
25 **vacated, may apply for the vacation of such road or part of such road as no longer serving**
26 **the public health, safety, and welfare. The county may, by order or ordinance, provide for**
27 **notice and hearing of such petitions and for filing and hearing remonstrances against them.**

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