

SECOND REGULAR SESSION

# HOUSE BILL NO. 2182

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRANZ.

Read 1st time February 18, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 229.010, RSMo, and to enact in lieu thereof one new section relating to public road width.

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

Section A. Section 229.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 229.010, to read as follows:

229.010. **1. For purposes of this section, the following terms shall mean:**

(1) **"Current use limits", the defined line between the apparent use by the public and the adjoining landowner and may include, but not be limited to:**

(a) **Grading of road surfaces, ditches, and slopes, or mowing or trimming of grass, trees, or brush by the road overseer;**

(b) **Fencing, tilling of land, or mowing grass and lawns by the adjoining landowner;**  
or

(c) **Timber, trees, and shrubs maintained by the adjoining landowner;**

(2) **"Previously established surveyed centerline", a land survey, an easement, or right-of-way, which is currently recorded in the public records, from which a surveyed centerline may be determined through the use of such recorded information;**

(3) **"Road", all traveled surfaces and appurtenant medians, shoulders, ditches, and slopes and back slopes, in total combination;**

(4) **"Surveyed centerline", a measured line, consisting of a series of measured lengths and angles or curves, that are referenced to official land survey monuments, from**

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.

16 which, in combination with the width, the road may be physically located on the earth or  
17 plotted out in relationship to land ownership records;

18 (5) "Width", the total of the described distances in feet on each side of any  
19 surveyed centerline. Distance in feet need not always be the same on each side of the  
20 surveyed centerline, but shall be specified when different from an equal distance on each  
21 side of the surveyed centerline.

22 2. All public roads in this state which hereafter may be established shall not be less than  
23 [thirty] sixty feet in total width, the traveled surface of which being no less than twenty feet  
24 of the total width.

25 3. Where a record of a previously established surveyed centerline is not available,  
26 the establishment of a surveyed centerline shall be made by utilizing the average center of  
27 the space between the current use limits of the land on each side of the road at issue. Any  
28 one landowner with land adjoining a public road may make a written request to the  
29 overseer of the public road to establish a surveyed centerline. For any such request, the  
30 overseer of the public road shall conduct or order a survey to establish the centerline and  
31 record a copy of the survey of the centerline with the recorder of deeds for the county in  
32 which the road is located, and shall be responsible for all costs associated with the surveyed  
33 centerline establishment. Any such surveyed centerline establishment request made by a  
34 landowner shall be acted on and properly completed within ninety days of the original  
35 request. In the event a road overseer fails to comply with this ninety-day requirement, the  
36 landowner may order a survey and charge the road overseer for all such surveyed  
37 centerline establishment costs.

38 4. Written notice of an intended surveyed centerline establishment request shall be  
39 made by the requesting landowner to all landowners on the opposite side of the centerline  
40 to be established at least thirty days prior to the official request to the road overseer of  
41 such public road made under the authority granted in subsection 3 of this section. The  
42 written notice shall be delivered by certified mail with proof of delivery required. A copy  
43 of the notice letter and any responses made by any landowner on the opposite side of the  
44 surveyed centerline to be established shall be included with, or attached to, the official  
45 request for a surveyed centerline establishment.

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