



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN
~~WILLIAMSON~~
ATTORNEY GENERAL

AUSTIN 11, TEXAS

Mr. L. L. Roberts
County Auditor
Hutchinson County
Stinnett, Texas

Dear Sir:

Opinion No. 0-3537

Re: Authority of county to expend moneys derived from the Lateral Road Account provided by H. B. 688, in the repairing and improving of bridges constituting a part of the Lateral Road System of a county.

In reply to your letter requesting our opinion on the following question:

"May Hutchinson County legally expend moneys derived through said H. B. 688, now held in its Lateral Road Fund for (a) removing the old floor of a bridge, purchasing materials for a new floor, and constructing a new floor in this bridge; and (b) for materials and labor in making repairs to such bridge in addition to a new floor?"

we advise as follows:

In the early case of Aransas County v. Coleman-Fulton Pasture Company, 191 S. W. 553, it was held that the Constitution, Article 3. Section 52, as amended in 1903, authorizing counties to issue bonds for road construction purposes, empowered such counties to build necessary bridges as a part of such road, and it has become settled law that bridges are an essential part of any road. Therefore, it is our opinion that the funds allocated to the county through the Lateral Road Account of the Board of County and District Road Indebtedness are available for the purpose enumerated in your question.

Following the same line of reasoning, we think the county would be fully authorized to use such moneys for the purpose of acquiring right-of-way to roads forming a part of the County Lateral Road System.

Trusting that the foregoing satisfactorily answers your inquiry, we are

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Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Clarence E. Crowe
Clarence E. Crowe
Assistant

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APPROVED JUNE 6, 1941
s/Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman