



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

November 2, 1973

The Honorable Dan R. Beck  
County Attorney  
Fayette County Courthouse  
La Grange, Texas 78945

Opinion No. H- 142

Re: Whether, in developing  
land along the Colorado  
River, it is necessary to  
provide for public access  
at any stated interval.

Dear Mr. Beck:

Your request for an opinion asks:

Is it necessary to grant public access to  
the Colorado River every two miles?

Article 6703, Vernon's Texas Civil Statutes, provides in part:

"The commissioners court shall order  
the laying out and opening of public roads when  
necessary . . . . "

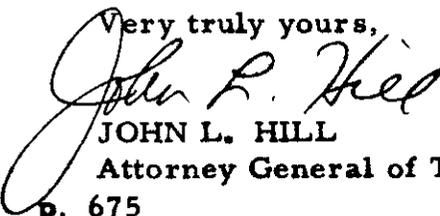
The question of whether any particular road is necessary in the public interest is for the Commissioners Court to determine. Tarrant County v. Shannon, et ux, 129 Tex. 264, 104 S. W. 2d 4 (Tex. 1937). The only restriction is that the determination be reasonable.

The Commissioners Court of Fayette County is not legally required to furnish access roads to the Colorado River every two miles unless it is determined to be factually necessary.

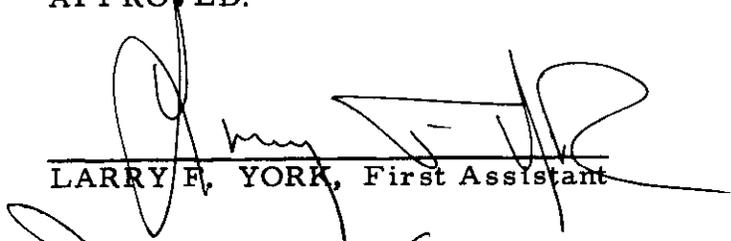
S U M M A R Y

A Commissioners Court may grant public access to a river every two miles, but there is no legal requirement that it do so unless it finds the road to be "necessary".

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman  
Opinion Committee