



UPSHUR COUNTY JUSTICE CENTER

405 North Titus Street

Gilmer, Texas 75644

(903) 843-5513 FAX (903) 843-3661

MIKE FETTER
Criminal District Attorney

DON JETER
Criminal Investigator

RQ-0054-6A May 14, 2003

RECEIVED

MAY 19 2003

Hon. Gregg Abbott
Office of the Attorney General
Opinion Committee
Post Office Box 12548
Austin, Texas 78711-2548

OPINION COMMITTEE

FILE # ML-43104-03
I.D. # 43104

RE: Request of an Attorney General Opinion

Dear General Abbott:

Please consider this a request for an Attorney General's Opinion to consider the following issue:

1. The Upshur County Road and Bridge Department recently received a request for maintenance from a resident that owns property on Lakeside Drive. A copy of the recorded subdivision plat is attached for reference. The Maintenance request involves performing grading and drainage work beyond the area currently utilized by County for existing road improvements (road pavement and ditch) but within the areas denoted on the plat as a 40 feet wide corridor for the road. I am requesting an opinion from your office about the use of this 40 feet wide "right-of-way" by the County Road and Bridge Department for performing general road maintenance, specifically, is this 40 feet corridor dedicated for public use. If so, what right, if any, would the County have to do work within the "public" area also utilized by the transmission pipeline on the west side of the east-most road corridor? (SEE ATTACHED)
2. The Upshur County Road and Bridge Department recently received a request from the Gladewater Rodeo Association for assistance with the construction of a parking lot pavement for their expanded facilities in Gladewater. I am requesting an opinion from your office about the use of County Road and Bridge Department personnel and equipment for this purpose.

I am forwarding the above referenced questions on behave of MICHAEL F. WILSON, Office of the County Engineer, Road and Bridge Department. Please forward your response to him at P.O. Box 730, Gilmer, Texas 75644.

Thank you for your cooperation and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Fetter", written over a printed name.

Mike Fetter,
Upshur County District Attorney

enclosure

MF/bm

cc: Michael Wilson
Office of the County Engineer
Road and Bridge Department
P.O. Box 730
Gilmer, Texas 75644