

**ORDER AND JUDGMENT OF THE
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI**

DATE ISSUED: July 17, 2025

Order No. 07-10-2025-02

SUBJECT: Petition to Vacate a Portion of Holder Road

WHEREAS, on or about 3/31/25, the Christian County Commission received a Petition pursuant to RSMo. § 228.100 asking the Commission to vacate a portion of Holder Road, which was signed and verified by twelve (12) or more residents of the township through which the road runs. A more accurate description of the portion of Holder Road sought to be vacated is contained in the Petition and made part of this Order by reference; and

WHEREAS, the Petition was publicly read by the Commission on or about 4-3-25, the first day of the term in which it was presented, and that matter was continued without further proceedings until the next term; and

WHEREAS, notice of the filing of such Petition and of the road sought to be vacated was duly posted in at least three public places in Lincoln Township, at least twenty (20) days before the first day of the next term of the Commission, and a copy of the same was 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

WHEREAS, in response to the Petition, the County Commission received a Remonstrance, verified and signed by at least twelve (12) residents of Lincoln Township; and

WHEREAS, the Remonstrance was publicly read by the Commission on or about 5/15/25; and

WHEREAS, the County Commission held a public hearing on or about July 10, 2025 on the Petition to vacate a portion of Holder Road, during which the

Commission heard and considered evidence and testimony from each side, as well as evidence and testimony from local law enforcement, including Sheriff Brad Cole, and the County's Highway Administrator, Miranda Beadles; and

WHEREAS, all Exhibits and evidence from the parties that was offered during the hearing was admitted and considered by the Commission; and

WHEREAS, in order to vacate a public or county roadway, or any portion of it, under the procedure set forth in RSMo. § 228.100, the Petitioners bear the burden of establishing that the roadway at issue is "useless, and the repairing of the same an unreasonable burden upon the [County];" and

WHEREAS, the question of whether a public road is "useless" is determined by whether it is of "public utility." Missouri Courts have indicated that "a finding of the ground for vacation required under Section 228.110(1) is, in effect, a finding of no public utility." *Burrows v. Cnty. Ct. of Carter Cnty.*, 308 S.W.2d 299, 305 (Mo. Ct. App. 1957). The term "useless" has similarly been defined as the roadway "having, or being of, no use; unserviceable; producing no good end; answering no desired purpose." *Id.*; and

WHEREAS, after considering all of the evidence, Exhibits, and testimony presented, the record on the hearing was closed and Presiding Commissioner Lynn Morris entertained a motion from the Commissioners relating to the Petition; and

WHEREAS, Western Commissioner Johnny Williams indicated, after careful consideration of the evidence, that he did not find the Petitioners to have met their burden of establishing Holder Road to be "useless" and of no "public utility." Therefore, Western Commissioner Johnny Williams made a motion to deny the Petition to vacate Holder Road; and

WHEREAS, the motion was duly seconded by Eastern Commissioner Bradley Jackson. For the reasons stated above, and during a roll call vote, the Commissioners unanimously voted to deny the Petition to vacate Holder Road.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE

**COUNTY COMMISSION OF CHRISTIAN COUNTY, MISSOURI, AS
FOLLOWS:**

1. That the Petitioners have failed to meet their burden of establishing Holder Road to be “useless” and of no “public utility.”
2. That the Petition to vacate a portion of Holder Road is DENIED.
3. That Holder Road remains open for public use and shall continue to be maintained by the County.
4. That this Order of the County Commission is to be considered final under the Administrative Procedure Act and the County Clerk is directed to provide notice of this Order to the Petitioners by mailing or delivery.

By Order of the County Commission of Christian County, Missouri.



Presiding Commissioner

Lynn Morris



Eastern Commissioner

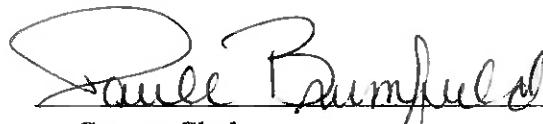
Bradley Jackson



Western Commissioner

Johnny Williams





County Clerk