

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

DATE ISSUED: May 1st, 2026

Order No. 2026-05-07-01

SUBJECT: Petition to Vacate a Portion of DeWitt Cave Road

WHEREAS, on or about December 2, 2025, the Christian County Commission received a Petition pursuant to RSMo. § 228.110 asking the Commission to vacate a public road, commonly known as DeWitt Cave 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 DeWitt Cave 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 January 8, 2026, 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 the South Linn 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 no remonstrances or opposition; and

WHEREAS, the County Commission held a public hearing on or about April 2, 2026 on the Petition to vacate a portion of DeWitt Cave Road, during which the Commission heard and considered evidence and testimony from Truitt Gimlin, one of the petitioning property owners, and the County's Highway Administrator, Miranda Beadles; and

WHEREAS, all testimony 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. § 228.110, 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, the evidence presented was that the portion of DeWitt Cave Road at issue is approximately a ¼ mile stretch of road from Tabor Hollow Road to a point where it dead ends with no turn around. DeWitt Cave Road does not connect to any other thoroughfare or County road. The evidence presented was that DeWitt Cave Road almost exclusively serves only two property owners, Truitt Gimlin and Darin Arthur. The road serves no other public utility, other than for the private property owners to access their homes. Both Truitt Gimlin and Darin Arthur signed the Petition and are in favor of vacating DeWitt Cave Road and continuing to maintain it as a private road between the two of them. The evidence presented was that the property owners had concerns with the use of the road for crime in recent years. Finally, the evidence presented was that the County does expend funds for maintenance and upkeep of the road, which almost exclusively benefits only the two owners. Because it only benefits the two owners, it would be unreasonable for the County to continue spending funds to maintain the road.

WHEREAS, after considering all of the evidence 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, Eastern Commissioner Bradley A. Jackson indicated, after careful consideration of the evidence, that he found the Petitioners to have met their burden of establishing DeWitt Cave Road to be “useless” and of no “public utility”. Therefore, Eastern Commissioner Bradley A. Jackson made a motion to grant the Petition to vacate DeWitt Cave Road; and

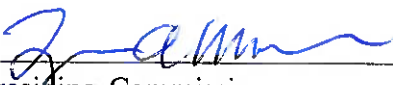
WHEREAS, the motion was duly seconded by Western Commissioner Johnny Williams. For the reasons stated above, and during a roll call vote, the Commissioners unanimously voted to grant the Petition to vacate DeWitt Cave Road.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF CHRISTIAN COUNTY, MISSOURI, AS FOLLOWS:

1. That the Petitioners have met their burden of establishing DeWitt Cave Road to be “useless” and of no “public utility,” and have established that the continued maintenance or repair of the road would place an unreasonable burden on the County.
2. That the Petition to vacate a portion of DeWitt Cave Road is GRANTED.
3. That it is just and proper to vacate the following public road and right-of-way located within Christian County, Missouri, described as starting at the intersection of DeWitt Cave Road and the right-of-way line of Tabor Hollow Road, then continuing west approximately 1,320 feet along the centerline of DeWitt Cave Road to the end of the County maintained roadway. This includes the entirety of the County maintained section of DeWitt Cave Road within an apparent 40-foot right-of-way, lying within Section 20, Township 25 N, Range 20 W.
4. That as of the date of this Order and Judgment, DeWitt Cave Road shall no longer remain open for public use and shall no longer continue to be maintained by the County. The road shall revert back to the legal owners thereof in the manner prescribed by law.
5. That this Order of the County Commission is to be considered final under the

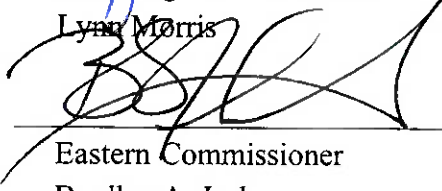
Administrative Procedure Act and the County Clerk is directed to provide notice of this Order to the Petitioners by mailing or delivery.

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



Presiding Commissioner

Lynn Morris



Eastern Commissioner

Bradley A. Jackson

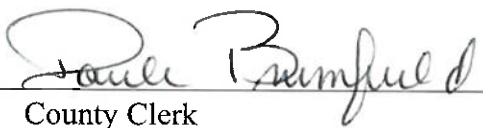


Western Commissioner

Johnny Williams

ATTEST:





County Clerk