

N.D.A.G. Letter to Walsh (May 5, 1986)

May 5, 1986

Honorable Jerome L. Walsh
Senator
District 41
Route 1, Box 11
Minot, ND 58701

Dear Senator Walsh:

Thank you for your letter of April 23, 1986, requesting my opinion whether N.D.C.C. Ch. 24-08 makes a county responsible for the construction and maintenance of bridges and culverts on township roads within the county.

The singular section of law in N.D.C.C. Ch. 24-08 imposing a duty upon a county to construct and maintain culverts on a township road was analyzed in 1983 N.D. Op. Att'y. Gen. 12. The statute interpreted in the opinion was N.D.C.C. §24-08-02.1. I have reviewed N.D.C.C. Ch. 24-08 for any subsequent amendments that would alter the prior opinion. I have found none and, therefore, the 1983 opinion would have application to your question and is considered to be controlling.

A copy of the 1983 N.D. Op. Att'y. Gen. 12 is enclosed for your use. Incidentally, since that opinion was addressed to the Ward County State's Attorney, you may wish to consult with that office as to the county's application of the opinion.

Sincerely,

Nicholas J. Spaeth

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Enclosure