

CHAPTER CLIX.

March 4, 1872.

An Act to Locate and Establish a State Road from Henderson, Minnesota, to Beaver Falls, in Renville County.

- SECTION 1. Appointment of commissioners to lay out a state road.
2. Time of meeting of commissioners.
 3. Survey and necessary help to be employed.
 4. Commissioners to appraise damages, with proviso that county commissioners may re-appraise.
 5. Right of appeal to the district court.
 6. Expenses to be paid by the counties through which the road is located.
 7. Expenses to be audited by the county auditors, upon approval by the county commissioners.
 8. Stakes to be set and plats to be filed of the location of the road.
 9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

Commissioners
to lay out road.

SECTION 1. That Jacob Frankenfield, of Henderson, in the county of Sibley, in the state of Minnesota, Andrew Hall, of Round Grove, in the county of McLeod, in the state aforesaid, and Peter Henry, of Beaver Falls, in the county of Renville, in the state aforesaid, are hereby appointed commissioners to survey, locate and establish a state road from the borough of Henderson, in the county of Sibley and state of Minnesota, running thence through the county of Sibley, the county of McLeod and the county of Renville, to Beaver Falls aforesaid, by way of Prairie Mound, Montville and Round Grove.

Meeting of
commissioners

SEC. 2. That such commissioners shall meet at Henderson, in the county of Sibley, at such a day as Jacob Frankenfield, one of the commissioners aforesaid, may appoint, at any day subsequent to the passage of this act.

Provided, That if either of said commissioners shall be unable, from any cause, to discharge the duties aforesaid, the others shall have the power to substitute some person to act in his place, and such action by such substitute shall

have the same effect as if he were appointed commissioner by this act.

SEC. 3. That said commissioners are hereby authorized to employ one surveyor at five dollars per day, two chainmen, one axeman and one flagman, at two dollars and fifty cents per day, and two teamsters with teams at five dollars per day for each team, and the commissioners shall be entitled to three dollars per day for services performed under this act.

Survey and
help to be em-
ployed.

SEC. 4. The said commissioners, at the time when they shall survey said road, shall appraise the damages sustained by each owner of the land through which said road shall pass, and in case any one shall feel aggrieved by said appraisal, he may, within thirty days, appeal in writing to the commissioners of the county in which said land is situated, and the said county commissioners shall determine the amount of damages as in the case of a county road.

Appraisal of
damages.

Provided, That the county commissioners of any county through which said road passes, shall have the right to re-appraise any damages which have been appraised under this act, if such board of county commissioners or a majority of them, shall find said appraisal too high; but the county commissioners of those counties through which said road passes, shall have no power or authority to vacate or alter said state road, and, *Provided further*, That such re-appraisal, if any be made, shall be made within sixty days after the report and plat of said road has been filed in the office of county auditors of those counties through which such road passes

SEC. 5. Any person deeming himself or herself aggrieved by such re-appraisals, if any have been made under the foregoing section, of his or her compensation, may appeal therefrom to the district court of the county in which such lands are situated, by serving a notice of such appeal upon the county attorney of said county, and filing in the office of the county auditor of said county a copy of said notice of appeal, with proof of service thereof, on the county attorney. The county auditor shall certify a copy of the appraisal appealed from to the district court within ten days after filing notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the re-appraisal in the office of county auditor.

Right of appeal

SEC. 6. All expenses incurred and all damages assessed in locating and surveying and establishing said road under the provisions of this act, shall be paid by the counties through which said road shall pass, according to the distance of said road located in said county respectively.

By whom ex-
penses to be
paid.

Expenses to be
audited.

SEC. 7. The county auditors of the counties of Sibley, McLeod and Renville aforesaid, are hereby authorized and required to issue the orders of their several counties in payment of such accounts and such damages as the said commissioners shall certify to be properly due from said several counties under the provisions of this act. *Provided*, That the orders for payment of costs of location and survey, and the orders for damages shall not be issued without the sanction and approval of the county commissioners. *Provided*, That no county through which said road shall be located shall be liable for the payment of any of the expenses or damages incurred therein, unless the county commissioners of such county shall first pass a resolution consenting to the location and opening of said road.

Stakes to be
set and plats
filed.

SEC. 8. Said commissioners shall cause a good and substantial stake to be set at each angle of said road, and shall cause a plat of the survey of said road, together with their assessment of damages, to be filed in the office of the county auditor in each county in which said road may run, and the filing of said plat and assessment of damages, shall be *prima facie* evidence of the correctness of the same, and of the legal existence of so much of said road as said plat represents.

When act to
take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.