

CHAPTER CLXV.

February 29,
1872.

An Act to authorize the County Commissioners of Sibley County to Survey and Locate certain Roads in said County.

- SECTION 1. Authorizes the county commissioners to locate the state and county roads not on record.
2. Authorizes a board of road commissioners to be appointed from their own number.
 3. Meeting of road commissioners to perform their duties.
 4. Surveyor and other necessary help to be employed, with compensation.
 5. Damages, how assessed, and appeals therefrom.
 6. Plats and reports of said roads to be filed and recorded.
 7. Expenses and damages to be paid by the county.
 8. All roads not on record to be declared vacated.
 9. Roads located under this act not to be altered by town supervisors.
 10. When act to take effect.

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

Commissioners
to locate roads.

SECTION 1. The county commissioners of Sibley county, or a majority of them, shall have the right and authority to survey and locate all the roads in Sibley county known as state and county roads, which are now used as public highways, and which are not on record in the book of road records in the office of county auditor in said county, and at their next meeting said county commissioners, or a majority of them, shall order such road or roads to be surveyed and located which are not on record in said book of road records, and which they deem necessary as public highways.

Road commis-
sioners how ap-
pointed.

SEC. 2. Said county commissioners, or a majority of them, shall, at their next meeting, appoint two of their number, who, together with the chairman of said board of commissioners, shall constitute a board of road commissioners, whose duty it shall be to survey and locate such road or roads as the board of county commissioners may order to be surveyed and located.

SEC. 3. Said road commissioners, or a majority of them, shall meet at Henderson, in said county of Sibley, on the first Tuesday in April next, and proceed to perform the duties imposed under this act. *Provided*, That in the survey and location of any and all roads made under this act, said road commissioners shall survey and locate such new road or roads, as near as practicable, on the same line as said road or roads have been surveyed or located before; and if any member of the board, from any cause, is unable to perform the duties imposed upon him under this act, then the others shall have power to appoint one of the other two county commissioners to act in his place, and the commissioner so appointed shall have the same power and authority as if appointed under section 2 of this act.

Meeting of
commissioners

SEC. 4. Said road commissioners shall have the power to employ one surveyor, two chainmen, one axman, one flagman, and such other help, including teams, as they may deem necessary, and shall pay them such compensation as they may agree upon, except the surveyor, who shall receive five dollars per day; and the commissioners shall receive three dollars per day for services performed under this act.

Surveyor, &c.,
employed.

SEC. 5. The said road commissioners, or a majority of them, shall, at the time of surveying and locating said road or roads, assess the damages and obtain releases from owners of lands through which said road or roads pass, if such releases have not been obtained before, and any person deeming himself or herself aggrieved by such appraisals of his or her compensation for damages, may appeal therefrom to the district court of said county, 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 the notice of appeal in his office. Such appeal shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

Damages—how
assessed and
appeals.

SEC. 6. The said road commissioners shall cause a substantial stake to be set at each angle of said road or roads, and cause plats and reports of said or roads so surveyed and located to be recorded in said book of road records, and a list of assessments of damages to be filed in the office of county auditor of said county; and said plats and assessments of damages, certified to by said road commissioners, or by a majority of them, shall be *prima facie* evidence of the correctness and legal existence of any and all roads so surveyed and located under this act.

Plats of road to
be filed.

Expenses and damages how paid.

SEC. 7. All expenses incurred and all damages assessed under this act shall be paid by said county of Sibley. *Provided*, That said amounts must be certified by said board of road commissioners, or a majority of them, before they can be paid.

Roads not recorded declared vacated.

SEC. 8. All roads used as highways in the county of Sibley, and known as state or county roads, which are not on record in the book of road records, and which have not been ordered by said board of county commissioners to be surveyed and located under this act, shall be and are hereby declared vacated, and no more road labor or public money shall be expended on such highways.

Roads not to be altered.

SEC. 9. The road or roads surveyed and located under this act, of which the plats and reports have been filed and recorded, and on which the damages have been paid, shall not be altered or vacated by any board of town supervisors, nor shall the board of county commissioners have any power or authority to vacate or alter any part of said road or roads, unless petitioned for by a majority of all the legal voters in all the towns through which said road or roads run.

When act to take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.