

CHAPTER XXVII.

*An Act to legalize the building of free turnpikes in this State.* February 28, '87

- SECTION 7.—How to proceed.
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*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That whenever it is desirable to construct or build a free turnpike road in any part of this state, it shall be lawful to proceed as hereinafter provided. How to proceed

SEC. 2. That whenever the county commissioners of any county of this state shall be petitioned to construct a free turnpike on any proposed route therein named, accompanied with a certified statement of at least three freeholders, which statement shall be verified by oath or affirmation, that said petition contains thereon the names of at least a majority of the legal voters in the territory affected by taxation in the building of said road, as hereinafter provided, and also a similar statement that at least two hundred dollars per mile for each and every mile proposed to be built has been subscribed to such enterprise, it shall be their duty to have said proposed route surveyed by a competent corps of engineers, under the supervision of one of their number, or person appointed living along the proposed route. Duty of Com'rs

SEC. 3. The engineer appointed to make surveys of any proposed route shall make a return of the same, Estimate to be made

with the estimated cost of the construction of a turnpike road, as hereinafter provided, to the county commissioners at their next regular meeting after said survey and estimate shall have been made and completed.

May levy tax

SEC. 4. When the survey and estimate shall have been returned, the county commissioners shall levy annually one-third of the estimated cost of constructing said road, (less one-third of the subscription) for three years, or until said road shall be completed, a tax on the taxable property contiguous to the line of said road as follows, to wit:

The incorporated city, town or village at the beginning of the line of said road, or to the limits thereof, whether incorporated or not; one-half mile on each side of the first mile of said route; one mile on each side of the second mile of such route, one mile and a half on each side of the third mile of such route; two miles on each side of the fourth mile of such route; two miles and a half on each side of the fifth mile of such route; and three miles on each side of the sixth and remaining miles of such route, which levy shall be placed on the tax duplicate by the county auditor, and collected as other county and state taxes.

Width of road

SEC. 5. Every turnpike road constructed by virtue of this act, shall be laid out at least four rods wide and shall be bedded with stone, gravel or such other material as may be found on the line thereof, and faced with broken stone or gravel so as to form an even hard surface, with good and sufficient ditches on each side whenever the same is practicable; the arch or bed of such road shall be at least eighteen feet wide, and shall be so constructed as to permit carriages and other vehicles conveniently to pass each other, and to pass on and off of said turnpike where it may be intersected by other roads.

Subscription

SEC. 6. Subscription to the building of such road as is required in section 2 of this act may be made in cash, labor or material furnished, and shall be made payable to the county commissioners in instalments not to exceed twenty per cent., every sixty days. And the county commissioners shall have power to collect the same as other debts.

SEC. 7. Whenever in the opinion of the county

commissioners that a sufficient amount of money has been collected to commence the construction of such road, they may place such part thereof under contract as they may think best; but in all cases such contract shall be awarded to the lowest responsible bidder, and the letting of the building of such road or any part thereof, shall be advertised in some newspaper having general circulation in the county, or by posting notices thereof in at least five of the most public places in the county, at least four consecutive weeks prior to such letting. Such notice or advertisement shall state the amount and manner in which such work shall be done, and the time and place of awarding the contract.

When road may  
be built

SEC. 8. The county commissioners, surveyors, engineers and others appointed under this act shall in the location of such road be governed by sections one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine and one hundred and thirty, title seven, chapter thirty four of the general statutes.

County commis-  
sioners, how gov-  
erned

SEC. 9. After such road is completed, the county commissioners shall levy and cause to be collected annually, a sufficient amount of tax to keep such road in good repair. And the several overseers of roads along the line of such road, shall have the poll and other taxes assessed by the town supervisors, worked and applied on such road. And further, such road shall be free to travel, the same as other highways.

Tax to be levied

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeals incon-  
sistent acts.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved Feb. 28, 1867.