

that the cost of such completion, except the portion thereof to be paid by the state highway department, may be paid from the general revenue fund of the county. Upon the making of such order, the county auditor and chairman of the county board shall proceed to award a contract for the construction of such completion improvement in accordance with the provisions of Section 33, Chapter 415, General Laws 1925, which contract shall be signed in behalf of the county by the chairman of the county board and the county auditor, and also shall be signed in behalf of the state highway department by the commissioner of highways, and shall provide for the payment of the contract price by the county and by the state highway department in accordance with the order so made.

Sec. 2. **Warrant to be issued upon completion.**—Upon completion of such drainage ditch in accordance with the contract therefore and the certificate of the engineer that it has been performed and the ditch completed in accordance with the terms thereof, the county board shall so certify to the county auditor and to the state commissioner of highways, and thereupon the auditor shall issue his warrant to the contractor for the payment of the portion thereof chargeable to the county under the terms of the contract, and the state highway department shall pay the remainder thereof under the direction of the commissioner of highways in the same manner that other expenditures of the highway department are made under existing provisions of law.

Approved April 14, 1927.

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#### CHAPTER 227—H. F. No. 1048.

*An act to amend Section 2544, Subdivision 4 of Section 2582, Subdivision 4 of Section 2554, and Section 2617, General Statutes 1923, relating to public highways.*

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

Section 1. **Right of way and easements may be acquired by purchase or condemnation.**—That General Statutes 1923, Section 2544, is hereby amended to read as follows:

"2544. All roads, except cartways, established by town and county boards, shall be at least four (4) rods wide and when necessary for construction and maintenance, or the safety of public travel, additional right of way and easements for the erection of snow fences may be procured by purchase or condemnation, and the necessity for the taking of such additional right of way and such easements shall be determined by the town board in the

case of town roads and by the county board in the case of county roads."

**Sec. 2. Establishment, alteration or vacation by town boards.**—That Subdivision 4 of Section 2582, General Statutes 1923, is hereby amended to read as follows:

"Sub. 4. Whenever twenty-four freeholders of any county petition the county board for the establishment, alteration or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or which constitutes a connecting link between an established highway and any public park, ground or monument, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or any road wholly within a town, which constitutes a direct connecting link with two or more roads, whether the same be previously connected or not, in the towns adjoining the town in which such road is or is to be located, setting forth the beginning, course and termination or the beginnings, courses and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at their first session thereafter. If the petition relate to a road or roads partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same."

**Sec. 3. Power of commissioner of highways.**—That Subdivision 4 of Section 2554, General Statutes 1923, is hereby amended to read as follows:

"Sub. 4 (a) The commissioner of highways shall by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined he shall designate the same by order. Provided that when the County Board of any county interested asks for a public hearing with reference to the final location of any Trunk Highway, a hearing shall be held by the Commissioner within the section interested before making any such final location. A copy of such order shall be certified to the county auditor or auditors of the county or counties wherein such highways are located and such counties or subdivisions thereof shall thereupon be relieved from responsibilities and duties thereon, provided that in case the final location should be other than the location of the temporary trunk highway, the portion of such

temporary location which is not included in the final location shall upon notice from the commissioner of highways revert to the county or subdivision thereof originally charged with the care thereof.

(b) *When the commissioner shall have designated the permanent location of any trunk highway which takes the place of and serves the same purpose as any portion of an existing road however established, he may make an order vacating such portion of an existing road and in such case shall serve a copy of the order upon the occupants of the lands through which the portion so vacated runs, or, if there be no occupant, post such notice, and shall file a copy thereof with proof of service with the county auditor of the county within which such lands lie. Any person claiming to be damaged by such vacation may at any time within 30 days after the service of such order appeal to the district court of such county for a determination of his damages, by serving notice of such appeal on the commissioner of highways and filing the same with proof of such service in the office of the clerk of the district court. Said appeal shall be tried in the same manner as an appeal from an award in proceedings in eminent domain.*

Sec. 4. **Removing snow.**—That Section 2617, General Statutes 1923, is hereby amended to read as follows:

"2617. It shall be the duty of the town board of each town, so far as funds are available for the expense thereof, to keep all town, county and judicial roads therein in a passable condition by the removal of snow therefrom; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such men and teams and other equipment as may be necessary for the purpose. The town board may also provide for the erection of snow fences when deemed advisable.

It shall be the duty of the county board, so far as funds are available for the expenses thereof, to keep all state aid roads and state rural highways therein in a passable condition by the removal of snow therefrom. *The county board may also provide for the erection of snow fences when deemed advisable.*"

Approved April 14, 1927.

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#### CHAPTER 228—H. F. No. 938.

*An act to amend Subdivision 5 of Section 493, General Statutes 1923, as amended by Chapter 420, Laws 1925, relating to compensation to be paid to election judges and clerks.*

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