

## CHAPTER CXLVIII.

March 5, 1870. *An Act to authorize the County of Nicollet or the Borough of St. Peter to locate, construct and maintain a certain road in LeSueur County.*

- SECTION 1. Authorized to construct a public road—line of road.
2. To cause to be made a survey or plat of said road.
  3. How expenses of constructing and repairing said road to be defrayed.
  4. Board of County Commissioners and corporate authorities may join in the location and construction of said road—may share in the expenses of construction.
  5. Damages sustained, how ascertained.
  6. When not to take effect.

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

To construct a public road—line of road.

SECTION 1. The county of Nicollet or the borough of Saint Peter in said county, is hereby authorized to locate and construct a public road or highway from the depot of the Saint Paul and Sioux City Railroad, at Saint Peter, in said county of LeSueur, eastwardly on the most feasible or advisable route or line, to a point of junction with the road or highway at the foot of the bluff.

To cause a survey and plat of road to be made.

SEC. 2. For the purpose of locating and establishing such public road or highway, the board of county commissioners of said county of Nicollet, or the corporate authorities of the said borough of Saint Peter, may cause to be made all such survey and plats as may be deemed necessary or advisable, and to make any and all such orders or ordinances as may be necessary to establish the line of such road or highway.

How expenses of constructing road to be defrayed.

SEC. 3. The board of county commissioners of said county of Nicollet, or the corporate authorities of said borough of St. Peter may construct, improve and keep in repair the said public road or highway on the line so located and established, at the expense of said county or borough, and for that purpose may appropriate and use any money in the treasury of said county or borough not

otherwise appropriated, and may levy and collect taxes in the same manner in which taxes for other purposes are levied and collected, and may contract county or borough debts, and issue bonds therefor on such terms as to time, rate of interest, and amount of said bonds of county commissioners or corporate authorities of said borough may deem proper or necessary; and to obtain the moneys with which to pay said bonds, and interest thereon, may levy and collect taxes in the same manner in which taxes for other purposes are levied and collected.

SEC. 4. The said board of county commissioners, and the said corporate authorities of said borough of St. Peter, may join in the location, construction, preservation and repair of said public road or highway, upon such terms, and in such shares of expense or distance as may be agreed upon by and between the said board of county commissioners and the said corporate authorities, and any such agreement, when made and entered in the record of the proceedings of said board and corporate authorities, shall be valid, effectual and binding upon the same, and such agreement may be in like manner changed or varied in its terms, but shall not be abrogated unless one or the other of the parties thereto shall undertake and agree to maintain and keep in good repair the said road.

SEC. 5. Unless the right of way for said road shall be donated, and released, or sold, and conveyed by the owner or owners of the land through which the same shall be located, the compensation to be paid therefor shall be appraised and fixed by three competent disinterested men to be appointed by the judge of the district court of the judicial district in which the same is located, upon the application of said board of county commissioners or corporate authorities of said borough or both, as the case may be, and the compensation so fixed, and reported by such commissioners to said county board or corporate authorities, shall be paid in the same manner in which the other expenses of the location and construction of said road are to be paid. At least five days' notice of the time and place of the application for the appointment of such appraisers shall be given to the owner or owners of such land.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 5, 1870.