

SEC. 4. Any damages by laying out or opening said road shall be assessed and determined by said commissioners, and shall be paid by the county in which said damage occur.

SEC. 5. The expense of surveying, locating and establishing said road shall be paid by the counties through which said road may pass or enter. The commissioners shall have power to apportion the amount to each of the said counties which in their judgment is just and equal, to defray said expenses.

SEC. 6. Said commissioners shall, as soon as practicable, file an accurate plat of said road in the office of the register of deeds in each county through which it may pass. Said plat shall be legal evidence of the location of said road.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 18, 1879.

#### CHAPTER CCLIV.

#### AN ACT TO PROVIDE FOR THE LAYING OUT AND ESTABLISHING CERTAIN ROAD IN RAMSEY COUNTY, MINNESOTA.

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

SECTION 1. That the county commissioners of Ramsey county are hereby authorized and required to locate, survey and establish a state road, by extending Park avenue to the city limits of the city of Saint Paul, in said county, on the line dividing sections twenty-two and twenty-seven, in township twenty-nine, range twenty-three, and thence by the most practical route on or near said line, to the Hennepin county line at a point where the line dividing section twenty and twenty-nine, in town twenty-nine, range twenty-three intersects the same. *Provided*, That no authority shall exist to lay out said road through Como Park, so called, without the consent of the common council of the city of Saint Paul.

SEC. 2. The said road shall be one hundred feet in width, and the roadway shall be opened sixty feet in width, and made in good condition for travel at the expense of said county.

SEC. 3. Said commissioners shall cause accurate plats of the survey and location of the said road to be made, particularly describing the route by courses and distances, and at each mile station along the line of said road a stone post shall be set, marked thereon the distance from the point of starting.

SEC. 4. The said commissioners shall, at the time of locating said road appraise the damages to be paid to each person through whose land the same may pass, after taking into consideration the advantages and benefits that may be derived from said road, and

shall file in the office of the county auditor of said Ramsey county a statement of such appraisal of damages for lands therein taken for said road, which shall be paid by the said county, That said commissioners shall, as far as practicable, obtain from owners of lands releases of right of way of said roads, and in all such cases shall make no appraisal damages or benefits.

SEC. 5. Any person deeming himself or herself aggrieved by said appraisal, 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 a copy thereof on the chairman of the county board, and also filing in the office of the county auditor of said county, a copy of said appeal, with proof of same thereof on the county attorney and chairman of said board. The county auditor shall then certify a copy of said appeal and appraisal to the district court, within ten days after filing the notice of appeal in his office. *Provided*, That all appeals shall be taken within thirty days after the filing of the appraisal in the office of the county auditor.

SEC. 6. The said commissioners, after completing their duties under this act, shall file the surveys and plats of said roads, with their report locating the same and awarding damages, in the county auditor's office of said county. And said commissioners, in their discretion shall make appropriations to open said road, and shall cause the same to be opened and made in good condition for travel.

SEC. 7. This act shall be in force from and after its passage.

Approved February 19, 1879.

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## CHAPTER CCLV.

AN ACT TO ESTABLISH A STATE ROAD FROM THE VILLAGE OF HERMAN TO THE SOUTHEAST CORNER OF SECTION TWENTY-SEVEN TOWNSHIP ONE HUNDRED AND TWENTY-EIGHT RANGE FORTY-SEVEN.

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

SECTION 1. That John Ohlsson and O. C. Eaton of Grant county, and Paul Walker of Traverse county, are hereby appointed commissioners to locate, survey and establish a state road from the village of Herman in Grant county to the southeast corner of section twenty-seven township one hundred and twenty-eight range forty-seven, in the county of Traverse.

SEC. 2. It shall be the duty of said commissioners to meet at Herman on or before the first day of July A. D. one thousand eight