

# HIGHWAYS.

## CHAPTER 69.

[H. B. No. 252.]

### IMPROVEMENT OF HIGHWAYS.

AN ACT to Provide for the Better Improvement of Public Highways.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. COUNTY ROAD FUND.] In every county of this State, having a population of 5,000 or more, according to the latest United States or State census, there may be levied and collected annually, as other county taxes are levied and collected, a property tax of not less than one mill on each dollar of assessed valuation of all taxable property in the county, except in incorporated cities and towns, which, when collected, shall be kept as a distinct fund, to be known as the county road fund, and expended for the improvement of highways, under direction of the board of county commissioners, as herein provided. Such tax shall be in addition to any and all other taxes for highway purposes otherwise authorized or prescribed by law.

§ 2. FUND, HOW EXPENDED.] Said fund shall be expended only in grading, ditching and surfacing, in proper form and condition for public travel, such highways or parts of highways, howsoever established, as constitute the principal thoroughfares of the county communicating with shipping points and market places resorted to by inhabitants of the county, for which the means otherwise provided are not, in the opinion of the county commissioners, sufficient, and then only upon petition of persons owning taxable property and residing in the vicinity of the highway in each case upon which such improvement is asked, to the number of at least one hundred.

§ 3. PETITIONS FOR IMPROVEMENTS—SURVEY.] Said petitions shall be presented at the regular meeting of the board of county commissioners, and thereupon the board shall direct such investigation as may be necessary to inform them as to the utility and probable cost of the proposed improvement, and may for that purpose order a preliminary survey, and at their next succeeding July meeting they shall determine what highways or parts of highways designated in such petitions shall be so improved, and estimate the probable amount of money that will be required to complete such improvement, and how much can be reasonably provided therefor, and for the completion of similar improvements

previously in part made by the tax levy for the current year, and shall levy said tax accordingly.

§ 4. BOARD TO ADVERTISE FOR BIDS FOR WORK.] At their regular April session in each year the board of county commissioners shall determine what amount of said fund is or will be available for expenditure during the ensuing season, in improvements previously ordered, and shall apportion such available fund, as nearly as may be, to the several highways upon which such improvements have been ordered, but no part thereof shall be set apart for the benefit of any highway on which the work of improvement has not been commenced, until sufficient provision shall have been made for the completion of the work upon highways whenever it has been in part performed. They shall thereupon advertise in an issue of each week of some newspaper of the county until the last Saturday in said month, for proposals to do all work contemplated during the ensuing season for which such appropriations have been made, and at their special meeting on the last Saturday of said month, they shall let the same by contract to the lowest responsible bidder whom they shall deem competent, requiring him to give such bond as they shall deem sufficient to secure the fulfillment of his part of said contract.

§ 5. PAYMENTS—HOW MADE.] The board of county commissioners shall in case of each improvement ordered designate the place of beginning and the direction in which the work shall proceed and require the same to be completed mile by mile or in parts of miles continuously, as so ordered, and no payment shall be made except for work so completed. They may also require the supervision of the work by the county surveyor, so far as they shall deem necessary, and shall require him to compute and estimate the amount of completed work and certify the same to the county auditor at the end of each month, and all work so contracted shall be completed prior to the first day of November next following. The provisions of this section and the orders and directions of the board made in pursuance thereof shall constitute part of the provisions and conditions of every such contract, whether expressly so entered therein or not.

§ 6. COUNTY AUDITOR TO ISSUE WARRANTS.] Upon the filing of the surveyor's certificate, as hereinbefore provided, the county auditor shall issue warrants accordingly on the county treasurer in favor of the contractor, payable out of the county road fund appropriated thereto, and the same shall be paid by the treasurer accordingly.

§ 7. COMPENSATION OF COUNTY SURVEYOR.] The county surveyor shall receive for his services rendered in pursuance of this act the same compensation as in other cases, payable by the county out of the said county road fund, upon accounts duly verified and allowed by the county commissioners.

Approved, March 6, 1893.