

road to be a public highway, with full power to relocate and straighten the same, in their discretion, and shall publish a notice to that effect once a week for two successive weeks in one or more newspapers published in Montgomery County; provided, said road shall not be less than thirty feet in width; and said county commissioners shall cause a description and plat of said road to be made and recorded or filed among their records, and thereafter such road so declared to be made a public highway shall be kept in good order and repair, as other county roads.

1910, ch. 484, sec. 177M. 1912, ch. 790, sec. 461.

759. Whenever any doubt exists as to the proper location or width of a county road, the said county commissioners may cause the same to be surveyed by the county surveyor and a description and plat made thereof and recorded or filed among their records, which said description and plat shall be deemed official and *prima facie* correct by said county commissioners and in the courts of this State until and unless the contrary be proven. Whenever possible, such description shall be made by reference to the original description of said road when the same was acquired by grant or condemnation, if such description can be found, but if same cannot be found, then such description and plat shall be made of said road as actually laid out and existing.

1910, ch. 484, sec. 177N. 1912, ch. 790, sec. 462.

760. The County Commissioners of Montgomery County shall have the power at any time of their own volition, and without petition being filed, to open, alter, relocate or close any public highway, avenue, street, lane or alley; provide necessary drainage for any public highway, avenue, street, lane or alley; and all private property or rights therein, including quarries, deposits of stone, sand, gravel or other road-building material, rights of way thereto and places for the accumulation of road-making and road-repairing materials and equipment necessary for the exercise of such powers as may be acquired by gift, purchase or rental agreement, or by condemnation. When said county commissioners shall conclude that such condemnation is necessary and desirable in the public interest they shall give notice of the same by publication in one or more of the county papers for two successive weeks, setting forth as near as may be the property or right to be condemned, the name of the property owners concerned and also the abutting property owners and the date on which the three examiners hereinafter provided for will proceed to view and consider the same. The county commissioners shall then for such purpose appoint three examiners, one of whom shall be the road superintendent; one a resident of the district in which the proposed road, property or right to be condemned is located, and who does not own property in the line of the same, and is not directly affected thereby or interested therein except as a resident of such district; and the third a disinterested freeholder of the county, to go upon the grounds, examine into the public need for the opening, altering, relocating or closing the road as aforesaid or of condemning the property