

scription and plat shall be made of said road as actually laid out and existing.

177n. 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 or right proposed to be condemned; determine the probable cost thereof and the names of the property owners who will be benefited or damaged thereby, and the amount to which each will be so benefited or damaged, and shall assess the cost of said road, property or right to be condemned as aforesaid, and damages and benefits caused thereby upon the persons interested and the county, respectively, in such proportions as they shall deem just and proper, including in such assessments such damages as may be occasioned by any change of or necessity for fencing along the line of said proposed road; and if they shall decide that a road or portion of a road be closed, they shall likewise make an estimate of the damages and assess the benefits occasioned thereby. The examiners shall return such assessments to the