

60
From Hamilton Ave
to Lexington Ave
1/2 mi.
F136
C. C. R. O.

1/2 mi.
C. C. R. O.

Co. Rd. "I" or Co. Rd. #60

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

WHEREAS, A petition signed by twenty-four freeholders of said County, praying for the establishing of a certain highway in said County, running east and west from the quarter section between Sections 3 and 10, Township 30, Range 23, on the section line one-half mile to the section corner between sections 2, 3, 10 & 11 of said Town and Range, and not within the limits of any incorporated city, as hereinafter described, was presented to this Board at its session on the seventeenth day of August, 1931, and this Board having determined by the judgment of a majority of its members that said petition is reasonable on its face, and having by its order appointed Monday, the sixteenth day of November, 1931, at ten o'clock A. M., at C. H. and C. H. Building, St. Paul, in said County, as the time and place for a hearing upon said petition, and having by said order appointed a committee of its members to examine said proposed route of said road and designated Thursday, the twelfth day of November, 1931, at two o'clock P. M., at the intersection of Hamline Avenue and County Road "I" in said County, as the time and place for said committee to meet on the route of said proposed road, for the examination of the same, and having caused notices of said hearing and said meeting of said committee embodying a copy of said petition, to be posted in the three most public places of each town through which said proposed route of said road runs, or affected thereby, at least thirty days before the day of said hearing upon said petition and being satisfied that said notices were so posted and proof of said posting duly made, and the said committee having met at the time and place designated in said order and said notices, and examined the same and made its report in writing to this Board, and recommended that said petition be granted, and said Board having met at the time and place designated in said order and said notices, to-wit, at C. H. and C. H. Building, St. Paul, in said County, on Monday, the sixteenth day of November, 1931, at ten o'clock A. M., and duly heard all that anyone had to say in favor of, or against, the granting of said petition and considered said petition and the report of said committee thereon, and a majority of said Board having agreed that said petition should be granted.

IT IS HEREBY ORDERED, That the prayer of said petition be and the same is hereby granted, and said highway is hereby established so as to run according to said committee's report, by courses and distances as follows, to-wit:

Beginning at the quarter section between Sections 3 and 10, Township 30, Range 23, and running thence East on the section line between said sections one-half (1/2) mile to the section corner between Sections 2, 3, 10 & 11 of said Town and Range.

IT IS FURTHER ORDERED, That the County Auditor notify the Town Supervisors of each town through which said road is proposed to be established of the fact of said establishment and that they shall cause to be opened and established so much of said highway as lies in their respective towns.

AND WHEREAS, At the said hearing upon said petition and said report of said committee, certain persons over whose lands said road

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Is this from an actual order or from Co Rd minutes.
This order does appear in Bb - 11/16/31

as proposed to be established will pass did remonstrate against granting the prayer of said petition and did set forth in writing that they would be damaged in a sum therein mentioned by the establishment of such road, and made oath and subscribed to the same, and said Board has determined from said report and the evidence before them, the amount of the damages sustained by said persons and that said proposed establishment of said road is of sufficient advantage to said County to warrant the paying of the damages assessed by this Board, the said Board proceeded to assess said damages at what is deemed just and right to each land owner, taking into account the advantage and benefits of said establishment of said highway as well as the disadvantages and damages.

IT IS ORDERED, That said damages be and they are hereby assessed to be paid to each person by said County, as follows, to-wit:

NAMES OF OWNERS	DESCRIPTION OF LAND	Sec.	Town	Rng.	Damages
St. Paul Water Works Co.	S. 93 ft. of E $\frac{1}{2}$ of	3	30	23	0.00
Minn. Land & Security Co.	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of	10	30	23	0.00
Hermon K. Phillips	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of	10	30	23	0.00

The County Board finds that the benefits are equal to the damages.

IN WITNESS WHEREOF, The Chairman of this Board has hereunto set his hand and affixed our seal at the City of St. Paul in said County, this sixteenth day of November, A. D. 1931.

Attest:
Geo. J. Ries

The County Board
of Ramsey County, Minn.
By H. P. Churchill
Vice Chairman

(SEAL)

Moved by Commissioner Gibbs, seconded by Commissioner Swan, that the report of the Committee and also the Final Order presented establishing said road be adopted.

Commissioner Peter, however, expressed the opinion that action on this matter should be deferred and that all members of the Board should view this proposed highway.

Roll call was then taken on the motion for adoption of the report and final order, and same were adopted by the following vote: Ayes - Carr, Gibbs, Stewart, and Swan, and Churchill. Nays - None.

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REPORT OF COMMITTEE

Nov. 16, 1931

Co. Rd. "I" or Co. Rd. #60

TO THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF RAMSEY, MINNESOTA:

The undersigned Committee appointed by you to examine the proposed establishing of a highway, as stated in the petition referred to in your order of appointment made on the fifth day of October, 1931, would respectfully report that we met at the time and place designated in your said order, and proceeded to examine the highway proposed to be established. viz:

Beginning at the quarter section between Sections 3 and 10, Township 30, Range 23, and running thence East on the section line between said sections one-half ($\frac{1}{2}$) mile to the section corner between Sections 2, 3, 10 & 11 of said Town and Range,

And do hereby by the opinion of a majority of said Committee recommend that the prayer of the said petitioners be granted.

Given under our hands, this twelfth day of November, 1931.

James D. Swan,
Frank H. Gibbs,
M. J. Carr.

Committee

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Commissioner Gibbs explained that, after viewing this proposed road, the committee were of the opinion that the same was necessary in view of the fact that it completes the missing link in COUNTY ROAD "I" and would be of particular benefit to that part of the northern end of the county in view of the fact that no cross road exists at this point unless one travels one mile north or two miles south.

Hearing on the petition having been set for today, the Chairman inquired as to whether any one desired to be heard in favor of or against the granting of said petition.

L. N. Thompson, Engineer for the Water Department of the City of St. Paul, objected to the granting of said petition in view of the fact that the highway, when constructed and if placed on the center line, would be only fifteen feet from their water conduit, which might be damaged by reason of the swampy condition of the land adjoining.

Commissioner Gibbs pointed out that this road could be constructed on the south line of the right-of-way which would leave more space between the traveled road and the conduit. Mr. Thompson, however, felt that the fill from the newly constructed road would have a tendency to push the conduit north and cause considerable damage.

County Surveyor Coates stated that the road could not be built on the southerly part of the right-of-way in view of the fact that ditches must be provided for as well as the necessary slopes.

The possibility of shifting this road farther south so as to get away from the Water Works right-of-way as much as possible was discussed. It was ascertained that the cost involved would not be any greater if this were done and the desired result could be obtained just as well as by placing the road in its proposed location.

Commissioner Churchill suggested that the matter be referred to a special committee for the purpose of ironing out this difficulty and objections which Mr. Thompson offered.

Commissioner Peter, however, strenuously objected to the granting of this petition on the ground that the establishment of this road is unnecessary at this time due to the expense involved in improving the same in a short time.

The Town Board of Mounds View were present and spoke in favor of establishing the road as petitioned for in order that this district may be provided with a through cross road.

The Engineer's estimate for improving said highway was stated to be \$5,170.00.

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Co. Rd. "I" or Co. Rd. #60

The following PETITION for establishing as a COUNTY ROAD an extension of COUNTY ROAD "I" from Hamline Avenue to Lexington Avenue was presented and considered, and is as follows:

STATE OF MINNESOTA)
) ss
 COUNTY OF RAMSEY)

TO THE COUNTY BOARD OF SAID COUNTY:

YOUR UNDERSIGNED PETITIONERS REPRESENT AND STATE:

That they are each and all freeholders in said county and hereby petition for the establishing of a County Road Four rods wide being two (2) rods on either side of the following described center line: "Beginning at the quarter section between Sections 3 & 10, Township 30, Range 23, and running thence East on the Section line between said Sections one-half (1/2) mile to the Section corner between Sections 2, 3, 10 and 11 of said Town and Range." over and across the following described lands of the following named persons, to-wit:

Names of Owners	Descriptions	Section	Town	Range
St. Paul Water Works Co.	S. 93 ft. of E 1/4 of	3	30	23
Minn. Land & Security Co.	NW 1/4 of NE 1/4 of	10	30	23
Hermon W. Phillips	NE 1/4 of NE 1/4 of	10	30	23

along the following route as the center line thereof, to-wit: Beginning at Quarter Section between Sec's 3 & 10, Town 30, Range 23, thence running East on the Section line between said Sections one-half mile and terminating at The Section corner between Sections 2, 3, 10 & 11 of said Town and Range and pray that you will hear and grant this petition according to law.

Signatures of Petitioners Signatures of Petitioners Sig. of Petitioners

George H. Ellis
 J. M. Campbell
 Chas. H. Young
 A. N. Johnson
 J. J. Thoesen
 Mrs. Kate Campbell
 Mrs. F. L. Beckley
 George Molitor

Henry E. Zutz
 Jos. Wolkerstorfer
 William Bucher
 H. E. Nord
 Ernest A. Larson
 Peter Seabloom
 John Moga
 Ben Moga

George Rybak
 Peter Zawistowski
 Frank Wresh
 Nick Indykewiz
 J. E. Noren
 R. T. Lindahl
 T. G. Thompson
 Arthur Larson

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Co. Rd. "I" or Co. Rd. #60

STATE OF MINNESOTA)
COUNTY OF RAMSEY)

The petition of George H. Ellis and others having been filed in the office of the County Auditor of said county on the 15th day of August, 1931, and presented to this board at its regular session on the 17th day of August, 1931, for the establishing of a county road four roads wide, being two (2) rods on either side of the following described center line: Beginning at the quarter section between Sections 3 and 10, Township 30, Range 23, and running thence east on the section line between said sections one-half ($\frac{1}{2}$) mile to the section corner between Sections 2, 3, 10 & 11 of said Town and Range, which petition appears to us to be reasonable on its face and is on file in said auditor's office and open to inspection.

IT IS THEREFORE ORDERED, That said petition be heard on the 16th day of November, 1931, at 10:00 o'clock A. M., at Court House and City Hall Building, St. Paul, in said county; that M. J. Carr, F. H. Gibbs, and J. D. Swan, who are members of this Board, be and hereby are, appointed a committee to meet at the intersection of Hamline Avenue and County Road "I" on said route of said road on the 12th day of November, 1931, at 2:00 o'clock P. M., to examine said route of said road and report thereon to this board not later than the date of said hearing on said petition; and that posted notice of said hearing on said petition and of said meeting of said committee be given at least twenty (20) days before said meeting of said committee and not less than thirty (30) days before said hearing on said petition in each town affected by said proposed establishing of said road, which notice shall include a copy of said petition.

THE COUNTY BOARD OF RAMSEY COUNTY
By Gerhard Bundlie (Signed)

Attest:

Geo. J. Ries (Signed)

Chairman

County Auditor.

(SEAL)

Moved by Commissioner Gibbs, seconded by Commissioner Swan, that said Order be approved and adopted, and same carried by the following vote: Ayes - Carr, Gibbs, Churchill, Peter, Swan, and Bundlie.
Nays - None.

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Assistant COUNTY ATTORNEY McConnelong submitted an OPINION concerning the legality of the proceedings pertaining to the establishment of COUNTY ROAD "I" from Hamline Avenue to Lexington Avenue, and advised that, in view of the fact that the COMMITTEE appointed to view this road were not all present at the time and place designated, any further proceedings in the establishment of this highway would be void. In a similar case in Dakota County the District Court held that the provisions of the statute with regard to this matter are mandatory, and, in a memorandum file, stated that failure of the County to comply with the law in this respect is fatal to further proceedings. In the event that it is desired to proceed with the establishment of this road, another committee should be appointed and due posted and published notice given as required by law.

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Hearing on the PETITION for ESTABLISHING COUNTY ROAD "I" between Hamline and Lexington Avenues was taken up.

Commissioner Gibbs reported that the Committee appointed for the purpose of examining the route of said proposed road and reporting thereon desired further time for said purpose.

George W. Ellis, owner of property south of the proposed road, spoke in favor of establishing same as, in his opinion, this road, is a necessity and benefit to this territory. Truck gardeners and farmers would have a more direct route into the city.

The ditches along this road, after construction, will drain to a great extent property which now is wet in the spring. This drainage would be west and into Mud Lake.

County Surveyor Coates stated that the county has never built or designed roads for drainage purposes.

A. H. Skiba, Chairman of the Town Board of Mounds View, outlined his views with respect to this road, and urged that the same be established as a necessity and a more direct route into the City. The only cross roads at present are one mile north and two miles south.

Commissioner Gibbs also urged that this road be established and explained traffic conditions in this territory, and how this road would help conditions and truck gardeners of this district.

Commissioner Peter stated, after viewing the route of said road, that he saw no immediate necessity for opening the same.

Discussion was then had as to what legal action could be taken at this time to grant the request of the committee for further time, and to continue the viewing and hearing without further published and posted notice.

Some doubt existed as to whether the Board lost jurisdiction in the event of a continuation. Commissioner Gibbs moved, seconded by Commissioner Stewart, that the hearing be continued to 10:00 o'clock A. M., Monday, November 16, 1931, and that the County Attorney be requested for an opinion by October 5th concerning the legality of the proceedings up to this time, and also as to whether the Board may continue the date, hour and place for the Viewing Committee to examine the route of said road, and continue the date of hearing on the petition without giving published and posted notice, and motion carried by the following vote: Ayes - Carr, Gibbs, Peter, Stewart, Swan, and Churchill. Nays - None.

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Co. Rd. "I" or Co. Rd. #60

The following ORDER OF HEARING AND APPOINTMENT OF COMMITTEE for the examination of said proposed highway was, on motion by Commissioner Gibbs, seconded by Commissioner Swan, approved and adopted by the following vote: Ayes - Carr, Gibbs, Peter, Swan, and Bundlie. Nays - None.

STATE OF MINNESOTA)
COUNTY OF RAMSEY)

The petition of George H. Ellis and others having been filed in the office of the County Auditor of said county on the 15th day of August, 1931, and presented to this board at its regular session on the 17th day of August, 1931, for the establishing of a county road four rods wide, being two (2) rods on either side of the following described center line: Beginning at the quarter section between Sections 3 and 10, Township 30, Range 23, and running thence East on the section line between said sections one-half (1/2) mile to the section corner between Sections 2, 3, 10 & 11 of said Town and Range, which petition appears to us to be reasonable on its face and is on file in said auditor's office and open to inspection:

IT IS THEREFORE ORDERED, That said petition be heard on the 21st day of September, 1931, at 10:00 o'clock, A. M., at Court House and City Hall Building, St. Paul, in said county; that M. J. Carr, H. P. Churchill, F. H. Gibbs, L. H. Peter, A. A. Stewart, J. D. Swan, and Gerhard Bundlie, who are members of this Board be, and hereby are, appointed a committee to meet at the intersection of Hamline Avenue and County Road "I" on said route of said road on the 16th day of September, 1931, at 10:00 A. M., to examine said route of said road and report thereon to this board not later than the date of said hearing on said petition; and that posted notice of said hearing on said petition and of said meeting of said committee be given at least twenty (20) days before said meeting of said committee and not less than thirty (30) days before said hearing on said petition in each town affected by said proposed establishing of said road, which notice shall include a copy of said petition.

THE COUNTY BOARD OF RAMSEY COUNTY

By Gerhard Bundlie (Signed)

Chairman

Attest:

Geo. J. Ries

County Auditor.

(SEAL)

Moved by Commissioner Gibbs, seconded by Commissioner Swan, that the County Surveyor be requested to prepare an estimate of the cost for improving COUNTY ROAD "I" from Hamline Avenue to Lexington Avenue, and present the same to this Board next Monday, and motion carried by the affirmative vote of all members present.

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COUNTY ROAD "I" or COUNTY ROAD #60-A.

PETITION FOR COUNTY ROAD

66 feet wide

To the County Board of the County of Ramsey, Minnesota:

The undersigned freeholders of the County of Ramsey hereby petition your Honorable Board for the establishment of a highway, connecting two County Roads of said County, and not within the limits of any incorporated city, and described as follows: Beginning at Southeast corner of Southeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section Three (3), Town Thirty (30), Range Twenty-three (23) and running thence West on the South line of said Section Three (3) Range one-half ($\frac{1}{2}$) mile to the Southwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section Three (3), Town Thirty (30), Range Twenty-three (23). Said road to be Sixty-six (66) feet in width and thirty-three (33) feet on either side of the above described section line, and to be connected with other roads as follows: Lexington Avenue on the East and Hamline Avenue on the West.

The names of the owners of the lands, as far as known, through which the same may pass, are:

<u>OWNER OF LANDS</u>	<u>DESCRIPTION OF LANDS</u>	<u>SEC. TOWN RANGE</u>
E. Breker	S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$	3 30 23
Frank Kachinski	S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$	3 30 23
Herman W. Phillips	N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$	10 30 23
George Curran	N.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$	10 30 23
St. Paul Water Works	So. 93 feet of E. $\frac{1}{2}$	3 30 23

And your petitioners pray that you will proceed to establish said road, and cause the same to be opened according to law.

Dated at Mounds View this 16th day of April, 1926.

<u>NAMES</u>	<u>NAMES</u>	<u>NAMES</u>
Henry Bucher, Sr.	Andrew Nord	Peter Seabloom
Wm. A. Bucher	C. D. DeMart	John E. Noren
Herman P. Bucher	Carl Merrell	Louis Schifsky
Ernest A. Larson	Anton Alver	A. N. Johnson
Theo. Forsberg	Jos. Febanske	John Trojanowski
Aaron Carlson	R. H. Sjestedt	John Dembrods
Charles Carlson	J. P. Siina	Geo. H. Downing
Carl Carlson	And. Trojanowski	A. V. Jereczak
Caroline Hansen	Henry C. Bucher	

The Board were of the opinion that before proceeding with the establishment of any more highways and the condemnation of property for right-of-way purposes under the proceedings for the establishment of highways, that it be ascertained whether the property covered by this petition required for right-of-way purposes would be deeded to the County for said purpose and accordingly Commissioner Carr made a motion, seconded Leinen that the County Auditor inquire as to this fact and report back to the Board and same carried by the following vote: Ayes, Carr, Groos, Keller, Leinen and Lind. Nays, None.

C C Book "W"

Pages 387, 388.

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