

CHAPTER CXV.

[H. B. No. 485.]

PROVIDING FOR A STATE ROAD.

AN ACT to provide for the establishment and maintenance of a state road along the bank of the Columbia river from the town of Wenatchee, in Kittitas county, thence northerly on the west bank of said Columbia river *via* the bridge of said Wenatchee river (the same formerly being a ferry) to the mouth of the Methow river; thence along the west bank of the Methow river to the mouth of the Twisp river, in the county of Okanogan.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That there be laid out, established and maintained for the use of the public a state road, commencing at the town of Wenatchee, in Kittitas county, running thence in a northerly direction along the west bank of the Columbia river, *via* the bridge nearest the mouth of the Wenatchee river, the same being formerly the location of a certain ferry, running thence by the best practicable route, along the west bank of said Columbia river to the mouth of the Methow river; thence running north in a westerly direction by the best practicable route along the west bank of said Methow river to the mouth of the Twisp river, which last point shall be the terminus of said road.

SEC. 2. That a commission consisting of three members, one of whom shall be a practical surveyor, is hereby created, to be appointed by the governor: *Provided*, That the governor may, if he see fit, select the boards of county commissioners of Okanogan county and Kittitas county as such commissions to perform the work within their respective counties; and such boards shall employ each a competent surveyor and such other assistants as may be necessary; and such boards of county commissioners shall be authorized and empowered, and it is hereby made their duty, to discharge all the duties required in this act of such commission, and, together with the surveyors, shall receive for such work the remuneration provided in this act.

SEC. 3. That the commissioners provided for in section 2 of this act shall hold office until the road is completed

State road
from Wenatchee to Columbia river.

Commission
appointed by
governor.

or the appropriation exhausted. Should a vacancy occur in such commission by death, resignation or otherwise, such vacancy shall be filled by appointment by the remaining members of such commission: *Provided*, That such person appointed to fill such vacancy shall continue as a member thereof during the time specified in this section.

Commissioners to hold office until the completion of road.

SEC. 4. That each of the commissioners provided for in this act shall take and subscribe an oath or affirmation before some person authorized to administer the same, to faithfully and impartially discharge the duties of his office as a member of said commission. Each of said commissioners shall make a bond unto the State of Washington in the sum of one thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duties as a member of the board of state road commissioners, which bond shall be filed with the secretary of state.

Oath of commissioners.

Bond.

SEC. 5. That the commissioners shall, as soon as practicable, and with the utmost diligence and economy, proceed to lay out, survey and determine the width of such road, and shall superintend the opening and construction thereof; and shall employ a clerk and a competent surveyor, and such assistance as may be necessary, and purchase such material and supplies as may be necessary to carry out the full intent of this act: *Provided*, That the surveyor provided for in this section of this act shall be a member of said commission, and when acting in such capacity shall not receive any additional pay.

Duties.

SEC. 6. Said board of commissioners shall be vested, for the purpose of establishing such road, with all the powers vested by law in the boards of county commissioners, relating to the control and management of county roads, and shall proceed, as near as may be practicable, in conformity with the laws provided for the establishment of county roads.

Same powers as county commissioners.

SEC. 7. After the completion of such survey, the board of commissioners shall cause a notice to be published for [four] consecutive weeks in newspapers authorized to do the county printing in the counties of Okanogan and Kittitas, which notice shall describe the purpose of the road,

Notice published.

and state a time and place of meeting of the board to consider claims for damage[s] or compensation in consequence of the opening of the road.

Assess
damages.

SEC. 8. The board of commissioners shall at such time and place proceed to assess and determine the damages sustained by any person through whose premises the road is sought to be established, and be heard in respect to the amount of damages sustained; and all applications for damages shall be barred unless they are presented as provided for by this act.

Claimant
may appeal.

SEC. 9. Every claimant of compensation for damages, on account of the establishment of such road, may appeal to the superior court of the county in which the property damaged lies, from the decision of the board of commissioners upon his claims, and such appeal and all proceedings connected therewith shall be in conformity with the provisions of the code relating to appeals from decisions of county commissioners in like cases.

\$15,000 appro-
priated.

SEC. 10. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state road, there is hereby appropriated from the funds in the state treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be necessary.

Pay of com-
missioners.

SEC. 11. Each member of such board of commissioners shall receive three dollars per day for each and every day employed in the discharge of his work and his actual traveling expenses.

Board shall
audit all bills.

SEC. 12. The board of commissioners shall examine and allow all bills incurred by them in the discharge of the duties provided for in this act, and on presentation of the vouchers as are allowed, the state auditor is authorized to draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for this purpose: *Provided*, That no expenses shall be incurred for the payment of which no appropriation shall have been made.

SEC. 13. All records, papers and documents relating to the establishment of such road, together with a full and

complete report of all transactions and proceedings, and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of the route of the road shall also be filed in the auditor's office of Okanogan and Kittitas counties.

Statement of expenses and all documents filed with state auditor.

SEC. 14. After the completion of such road, and when the term of office of such board of commissioners shall have expired, it shall become the duty of the boards of county commissioners of Okanogan and Kittitas counties to keep the road in good repair in their respective counties in like manner as if the same were a county road.

SEC. 15. That the said board of road commissioners shall construct that portion of said road lying along the bank of the Columbia river as aforesaid, first. They shall then immediately proceed to construct the remainder of said road along the bank of the Methow river, as aforesaid, as speedily as possible, until such road is fully completed.

SEC. 16. For their services under the preceding section the county commissioners shall receive from the state the same compensation as they are entitled to receive from their county for similar services.

SEC. 17. The said county commissioners shall examine and allow all bills properly incurred by them in the discharge of their duties, provided by this act, and an itemized account of all expenses thus incurred shall be filed in the office of the state auditor, and such bills shall be paid in like manner as provided in section twelve of this act for the payment of bills incurred by the board of state road commissioners.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 18, 1897.