

thereof shall be paid out of the public funds provided for the improvement of highways.

(3) In case the committee *or board* is unable to acquire such land or right by contract the committee *or board* may acquire the same in the name of the county *or town as the case may be* by the exercise of the right of eminent domain, as provided in chapter 32 of the statutes or in the following manner: They may, upon not less than five days' notice in writing, exclusive of Sundays and holidays, to such owner, describing the property and stating the time and place of hearing the application, apply to the county judge of said county to appraise the value of the property sought to be taken. At the time set therefor such judge shall hear the parties, and in such manner as he may in his discretion determine, inform himself in respect to the matter, and within five days, make his award in writing and file the same in his office. The county committee *or town board* may then pay the sum awarded to the owner by delivering to him a county *or town* order, or tender the same, and the title to the property and rights sought to be acquired shall thereupon vest in the county *or town board* for the uses and purposes of the acquirement, and such committee *or board* may cause a certificate under the hand and official seal of such judge, stating the facts, to be recorded in the office of the register of deeds.

(5) In case the committee *or board* shall deem the county *or town* aggrieved by the award, it may appeal to the circuit court in the same manner, and the subsequent procedure shall be like that upon the owner's appeal. Payment or tender of the award shall not defeat the county's *or town's* right to appeal.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1927.

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No. 172, S.]

[Published April 21, 1927.

## CHAPTER 39.

AN ACT to amend subsection (3) of section 80.64 of the statutes, relating to the granting of special powers to county boards.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (3) of section 80.64 of the statutes is amended to read: (80.64) (3) The county board of \* \* \* *any county in this state* may, with the approval of the governing body of each municipality in which the highways hereinafter designated are located, establish for any highway mentioned in subsection (2), or any highway in said county on the county system of prospective state highways, or any highway required to be maintained by said county, a width in excess of the width actually and presently in use. Such establishment shall be shown on a map prepared for that purpose and filed in the office of the register of deeds, and notice of such establishment shall be published in a newspaper of general circulation in the territory in which such highway is located once each week for three successive weeks, and shall be posted in at least three public and conspicuous places along such highway. Such notice need not contain legally accurate descriptions, but shall briefly set forth the action of the county board in language adequate to apprise the various property owners of the effect of such action. Such excess width need not immediately be acquired for highway purposes, but may be acquired at any time either in whole or in part by the county, or by the municipality in which it is located; provided, however, that no part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the same side of such highway, nor for less than the full distance, in length, of such excess width lying within the limits of contiguous land owned by the same owner; and provided, further, that any land so acquired, whether the excess width is acquired for the full length of the highway or not, shall at once become available for public highway purposes. The power to acquire such additional width of highway in portions as provided herein may be exercised for the purpose of acquiring such land on advantageous terms to the municipality or county, whether by reason of availing itself of any favorable offer of such land, or by reason of avoiding additional cost thereof on account of the erection or making of contemplated improvements thereon by the owner thereof, or by any other reason.

SECTION 2. This act shall take effect upon passage and publication.

Approved April 20, 1927.