

Monday, March 11 - 1918.

The Board met in regular session for the first day of the March meeting. All members were present, with Commissioner and Chairman W. R. Queen presiding.

The following opinion from the County Attorney on the local surface road petition was presented, read & ordered filed:

To the Hon. Board of County Commissioners of Douglas County, Kan.:

Gentlemen: Referring to the petition filed with the County Clerk of this county on November 3, 1917, praying for the permanent improvement of a part of the Fort to Fort Highway Road in Benefit District No. 2, west of the city of Lawrence, the popularly known as the Big Spring road petition, which was referred to me for my opinion, I beg leave to offer my opinion as follows:

The provisions of the Kansas statute under which this petition is filed, and particularly giving the requirements which must be fulfilled by the petition as to the number of signers, amount of land owned by signers, etc., is found in Section I, Chapter 265, of the Session Laws of 1917, and so far as it pertains to these matters reads as follows:

"When a petition signed by 51% of the resident land owners, owning at least 35% of the land within the district, or signed by 35% of the resident land owners owning 51% of the land within the district, or signed by the owners of 60% of the land within the district, praying for the permanent improvement of a road or roads of benefit to the district, shall be filed with the Board of County Commissioners of any county where such road or roads may be located, and the same shall be found to be in compliance with the provisions of this act, the Board of County Commissioners shall cause such road or roads to be improved as prayed for in the petition and as hereinafter provided, etc."

And in Section II of the same Chapter of the Session Laws of 1917 which, so far as the same pertains to the matter, reads as follows: "The petition shall designate the road or roads to be improved by name and by terminal points, and other specially fixed locations, the lands within the proposed benefit district, the type of permanent improvement and width of roadway desired, which may be different for different sections of the road, and the number of annual assessments to be levied upon the lands in the benefit district in payment therefor, which shall be not less than two nor more than twenty."

Upon examination of this petition I find that it complies with the provisions of Section II, Chapter 265, Session Laws 1917, just quoted, and I proceed to inquire whether to advise you whether or not the petition in all its aspects contemplated by Section I of said statute, is in conformity thereto. It will be noted that there are three separate con-