

COMMISSIONER'S RECORD O

175

The Board allowed vacation salary for Harold Wilburn, janitor.

The Board adjourned to attend the Kansas Officers Conference in Topeka.

Attest:

T. R. Gerhart
T. R. Gerhart, County Clerk.

Elmer W. Ousdahl
Elmer W. Ousdahl, Chairman Board of County Commissioners of Douglas County.

November 22, 1950.

The Board of County Commissioners of Douglas County met in regular adjourned session, all members of the Board being present.

Gideon Neis, Ben Neis, Oscar Broers, Clarence Broers, Oscar Lothholz and Leslie Kindred appeared before the Board to discuss the probability of the county getting any of the money arising out of the sale of river products (sand) for use in bank protection along the Kansas River.

Commissioners Order No. 605 was approved by the Board.

The Board adjourned to meet Saturday, November 25, 1950.

Attest:

T. R. Gerhart
T. R. Gerhart, County Clerk.

Elmer W. Ousdahl
Elmer W. Ousdahl, Chairman Board of County Commissioners of Douglas County.

November 25, 1950

The Board of County Commissioners of Douglas County met in regular adjourned session, all members of the Board being present.

Commissioners Orders Nos. 606 and 607 were approved by the Board.

The Board discussed road and bridge matters with county engineer J.I. Rice.

The Board discussed welfare matters with the director, Mrs. Watson, and a Mr. Officer of the Veterans Administration.

The following opinion in regard to the county repairing township roads was submitted to the Board at their request by county attorney Robert B. Oyler:

November 24, 1950

Board of County Commissioners
Douglas County
Courthouse
Lawrence, Kansas

Gentlemen:

Some time ago you asked me for an opinion in regard to the county repairing township roads. I looked up the law in regard to this matter and thought I would write it down so that you would have it for any future reference.

There is a Kansas case on this matter, the same being Dunham Stock Farm Company vs. County Commissioners of Pottawatomie County, 116 Kansas 315. The fifth syllabus of that case reads as follows:

"Where the township highway commissioners neglect to place and keep in condition a lawfully established township road, that duty may be lawfully performed by order of the Board of County Commissioners or the County Engineer, and the expenses therefor charged against the township as provided by Section 68-124 and 68-546 of G.S. for Kansas for 1935."

Section 68-124 reads as follows:

"Private roads as public highways, maintenance. That where under the laws of the State of Kansas, now in existence, or that may hereafter be enacted, any road or highway, it shall be the duty of the Board of highway commissioners of the township in which such road is located to repair, place and keep in condition for travel such road or highway. If such Board of Highway Commissioners shall neglect, refuse or fail to comply with the provisions of this act, the Board of County Commissioners of the county may repair and put in good condition for travel such road or highway, and shall charge the expenses therefor to the township in which such road is located. (L. 1919, ch. 250, Par. 1; March 20; R. S. 1923, Par. 68-124)"

Section 68-546 reads as follows:

"Removal of obstructions and weeds. That the county engineer of each county in the state shall cause to be removed from the public roads and highways all obstructions and encumbrances such as brush, hedge, rock and debris of whatever character, and at least once each year, between the first day of July and the fifteenth day of August shall cause to be removed from the said public roads or highways all cockleburrs, Rocky Mountain sand burrs, burdocks, sunflowers, Johnson grass, and all such other obnoxious weeds as may be injurious to the highways or the best interests of the farming community. The county shall pay for removing such weeds and obstructions on the county roads and the township shall pay for such work on the township roads. Nothing in this act shall be construed as amending or repealing any of the provisions

*Opinion
Robert B. Oyler
Township roads*