§ 15-2113. Discontinuance or relocation, or both, of highways, roads and streets.

1. If the board shall deem it necessary to discontinue a public highway, road or street, or a part thereof, because of its interference with the proper location of a reservoir for which preliminary plans shall have been adopted as provided in title 21 of this article, it may discontinue it; and if the board shall determine that the public interest so requires, it may relocate such highway, road or street, or the part discontinued, along a course wholly or partly within or without the high flow line of such reservoir, and acquire, with funds of the board applicable to the expense of such reservoir, in the manner provided in title 21 of this article for the acquisition of real estate, the necessary rights of way or easements for such relocated part, or in lieu of such a relocation may establish new highways to connect with then existing highways, roads or streets, to afford a substantial equivalent, for purposes of highway traffic, of such a relocation. The determination of the board to relocate or establish any such highway, road or street, shall be by resolution, setting forth a description of the course of such highway, road or street, a certified copy of which shall be filed in the office of the clerk of each town and village containing any part of the relocated or new highway, road or street. If the highway, or part thereof, so established or relocated shall be a state or county highway, the resolution shall not be effective until approved by the state Commissioner of Transportation and his written approval appended thereto. From the time of the filing of such copy or copies of the resolution, the relocated or connecting highway shall be deemed duly laid out.

2. After having acquired the necessary rights of way or easements therefor, the board, with its funds, shall construct such relocated or connecting highway, road or street, or part thereof. If the highway, or part thereof, which is discontinued, be a state or county highway, or part thereof, the construction of the relocated or connecting highway shall be in accordance with plans approved by the state Commissioner of Transportation. If the highway, or part thereof, which is discontinued, be a county road, or part thereof, the construction of the relocated or

connecting highway shall be in accordance with plans approved by the county superintendent of highways. In the case of any other highway , road or street, the board shall construct the same so as to make it conform in kind and quality generally to the discontinued highways, roads and streets.

3. The control and maintenance of the relocated or connecting highway, street or road, after its completion, shall vest in the local authorities of the city, town or village, in which it or any part thereof is situated, and for such purpose it shall be deemed a highway, road or street of the city, town or village, except that if the highway or road which was discontinued, or the part thereof discontinued, was a state or county highway, or county road, the control and maintenance of the relocated or connecting highway or road shall vest in the state or county authorities having charge of the discontinued highway or road, and for such purpose it shall be deemed a state or county highway, or county road, as the case may be.