

occupancy of such property, and to recover damages for the illegal use thereof.

2. The Board of Commissioners shall have power, by ordinance, to provide for and construct a general sewer and drainage system, to be divided into public and private sewers and drains, and to be constructed, maintained and regulated in such manner and out of such material as the Board of Commissioners may prescribe. Sewers may be established as the Board of Commissioners may direct, and there may be extensions of branches of sewers already constructed or entirely new through, as may be deemed expedient. The Board of Commissioners may, if necessary levy a tax on all taxable property in the entire city, to pay for the construction and repairs of such public sewers which shall be called a special sewer tax, and shall be used solely for such purpose. No public sewer shall be run diagonally through private property when it is practicable, without injury to said sewer, to construct it parallel with one of the exterior lines of such property. No public sewer shall be constructed through private property when it is practicable to construct it along or through the street or public highway.

3. The Board of Commissioners shall have the power to appropriate private property for public purposes, whenever the Board of Commissioners of said City shall deem it necessary to take any private property, either within or without the city limits, for any of the following purposes: to-wit:

In order to open, extend, change or widen any public street, avenue or alley, or for the construction of water mains or sewers, either within or without the city limits, or for the improvement and enlargement of its water works, including riparian rights, water sheds, reservoirs, etc., parks, squares and pleasure grounds, public wharves and landing places for steamers and other crafts, or for the straightening or improving of the channel of any stream, branch or drain, such property may be taken for such purposes by making just compensation to the owner thereof. If the amount of such compensation shall not be agreed upon, it shall be the duty of the Board of Commissioners to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof, and his residence if known, and the purpose for which said property is sought to be taken and file such statement with the Judge of the District Court of Tulsa County. Upon the filing of such statement, it shall be the duty of such Judge, in term time or in vacation, to appoint three disinterested free holders and qualified voters of the County of Tulsa as special commissioners to assess the damages to accrue to the owners by reason of such condemnation. The special commissioners so appointed shall, in their proceedings, be governed and controlled by the State Laws in force in reference to the condemnation of right of way for railroad companies, and the assessment of damages therefor, the City of Tulsa occupying the position of the railroad company. In estimating the damages to such property the jury shall not only estimate the value of the land so taken but shall also estimate the damage done to the remainder of the land from which it is taken, by reason of such taking and use; provided, however, that in case of the condemnation of land for the opening, extending or widening of any street, or for straightening or improving the channel of any stream, branch or drain within the corporate limits of said city, the Board of Commissioners may, by ordinance, provide that the cost of such property shall be paid by the property owners owning property in the immediate vicinity thereof and benefited thereby. In such case the City Engineer shall, under the direction of the special commissioners appointed, make a plat of the property which in the judgement of said special commissioners, will be specifically benefited and enhanced in value by the making of such improvements, whereupon such special commissioners shall issue notice to the owners of such property to appear before them at a time and place to be designated in such notices to show cause if any they have, why such property should not be assessed to pay the cost of the property so condemned: Such notices shall be served by any Police officer in the City of Tulsa, or any other officer of the State