



SENATE BILL No. 117

January 13, 1993, Introduced by Senator DI NELLO and referred to the Committee on Local Government and Urban Development.

A bill to amend sections 20a, 20c, and 20g of chapter I of Act No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance and use of the public highways and private roads, the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; setting and protecting shade trees, drainage, cutting weeds and brush within this state, and providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials,"

being sections 221.20a, 221.20c, and 221.20g of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 20a, 20c, and 20g of chapter I of Act
- 2 No. 283 of the Public Acts of 1909, being sections 221.20a,
- 3 221.20c, and 221.20g of the Michigan Compiled Laws, are amended
- 4 to read as follows:

CHAPTER I

1
2 Sec. 20a. (1) ~~A township with the prior written consent of~~
3 ~~the board of county road commissioners and upon~~ UPON petition to
4 the township board by 51% of the property owners whose frontage
5 abuts a road, A TOWNSHIP may commence an action in circuit court
6 to have the road determined to be a public highway and to deter-
7 mine the length and boundaries of the road. AN ACTION UNDER THIS
8 SECTION SHALL BE COMMENCED ONLY WITH THE PRIOR WRITTEN CONSENT OF
9 THE BOARD OF COUNTY ROAD COMMISSIONERS. HOWEVER, THE PRIOR WRIT-
10 TEN CONSENT OF THE BOARD OF COUNTY ROAD COMMISSIONERS IS NOT
11 REQUIRED IN THE CASE OF A TOWNSHIP WITH A POPULATION OF GREATER
12 THAN 80,000 IF THE TOWNSHIP BOARD HAS ADOPTED A RESOLUTION TO
13 ASSUME JURISDICTION OF THE ROAD ONCE THE CIRCUIT COURT, PURSUANT
14 TO SUBSECTION (2), FINDS THAT IT HAS BECOME A PUBLIC HIGHWAY.

15 (2) If the court finds that there has been public use of the
16 road for ~~a~~ AT least 10 years and that public authorities have
17 expended public money on the road, it shall enter an order that
18 the road has become a public highway setting forth the length and
19 boundaries of that public highway. If the court finds that the
20 road has not become a public highway, the township may in the
21 same action acquire by purchase or condemnation ~~in accordance~~
22 ~~with~~ PURSUANT TO section 20h of this chapter the property rights
23 of those owners who in the action claim that the road is not a
24 public highway, and the court shall enter its order that the road
25 is a public highway and set forth the length and boundaries of
26 that public highway.

1 Sec. 20c. ~~-(1)-~~ Upon the filing of a complaint, the court
2 shall enter an order fixing a date for A hearing, which shall be
3 not less than 3 weeks ~~thereafter~~ AFTER THE DATE OF FILING THE
4 COMPLAINT. The order shall recite the names of persons mentioned
5 in the complaint as parties in interest, reasonably describe the
6 road alleged to be a public highway, state the purpose of the
7 complaint, and order the persons recited to appear before the
8 court at the time fixed in the order for the hearing. ~~-A-~~ UNLESS
9 THE TOWNSHIP BOARD HAS ADOPTED A RESOLUTION UNDER SECTION 20A TO
10 ASSUME JURISDICTION OF THE ROAD, A copy of the complaint and
11 order shall be served upon the board of county road commissioners
12 of that county not less than 20 days before the hearing.

13 ~~-(2) Notice of the hearing and service and publication of~~
14 ~~the complaint shall be made and proved in the same manner as pro-~~
15 ~~vided for hearing upon a petition for condemnation under Act No.~~
16 ~~295 of the Public Acts of 1966, as amended, being sections~~
17 ~~213.361 to 213.391 of the Michigan Compiled Laws.~~

18 Sec. 20g. (1) ~~Any~~ IF A road determined to be a public
19 highway ~~in accordance with~~ PURSUANT TO this chapter IS TO BE
20 UNDER THE JURISDICTION OF THE COUNTY, THE ROAD shall be improved
21 by the township to standards determined in writing by the board
22 of county road commissioners of that county. The standards may
23 be less than the standards adopted by that board of county road
24 commissioners for construction of subdivision streets. UPON COM-
25 PLETION OF THE IMPROVEMENTS TO THE STANDARDS OF BOARD OF COUNTY
26 ROAD COMMISSIONERS, THE PUBLIC HIGHWAY SHALL BE ACCEPTED BY THE
27 BOARD OF COUNTY ROAD COMMISSIONERS AS A COUNTY ROAD AND MADE A

1 PART OF THE COUNTY ROAD SYSTEM PURSUANT TO SECTION 18 OF CHAPTER
2 IV. BETWEEN THE TIME THAT THE COURT ENTERS ITS ORDER DECLARING
3 THAT THE ROAD IS A PUBLIC HIGHWAY AND THE TIME THAT THE PUBLIC
4 HIGHWAY IS ACCEPTED BY THE BOARD OF COUNTY ROAD COMMISSIONERS,
5 NEITHER THE TOWNSHIP NOR THE BOARD OF COUNTY ROAD COMMISSIONERS
6 IS RESPONSIBLE FOR MAINTAINING THE PUBLIC HIGHWAY OR LIABLE FOR
7 FAILURE TO MAINTAIN THE PUBLIC HIGHWAY.

8 (2) The township may specially assess all or part of the
9 costs of the improvements against benefited property owners pur-
10 suant to Act No. 188 of the Public Acts of 1954, as amended,
11 being sections 41.721 to ~~41.737~~ 41.738 of the Michigan Compiled
12 Laws. The petition required by section 20a may serve as the
13 petition for commencing special assessment proceedings if the
14 petition so states. ~~Upon completion of the improvements to~~
15 ~~board of county road commissioners standards the public highway~~
16 ~~shall be accepted by the board of county road commissioners as a~~
17 ~~county road and made a part of the county road system in accord-~~
18 ~~ance with the provisions of section 18 of chapter 4. Between the~~
19 ~~time that the court enters its order declaring that the road is a~~
20 ~~public highway and the time that the public highway is accepted~~
21 ~~by the board of county road commissioners neither the township~~
22 ~~nor the board of county road commissioners shall be responsible~~
23 ~~for maintaining the public highway nor be liable for failure to~~
24 ~~maintain the public highway.~~

25 Section 2. This amendatory act shall not take effect unless
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27 of the 87th Legislature is enacted into law.