BRIDGES OVER NAVIGABLE WATERS
Act 398 of 1919

AN ACT to authorize the construction of bridges over navigable streams and waters in certain cases, for the continuance of public highways over such water as avenues of public travel; to authorize the levying, spreading and collecting of special taxes and assessments for any such bridge; to authorize the borrowing of money and issuance of bonds under certain restrictions, regulations and limitations; to provide for the recovery by the owners of property or property rights abutting upon or adjoining any such highway of their damages resulting by reason of the construction of such bridge and providing the procedure for recovery of such damages; and to prescribe the powers and duties of certain officers with reference thereto.

History: 1919, Act 398, Imd. Eff. May 13, 1919.

The People of the State of Michigan enact:

254.51 Bridge over navigable waters in certain counties; petition.

Sec. 1. Whenever in any county within this state there are any 2 or more organized townships, or any 1 or more townships and 1 or more villages, or 1 or more townships and 1 or more cities, or any combination of townships, villages and cities, or any combination of any of them, lying contiguous in such county, through the territory of which extends any public highway which crosses within said county and within or along the boundary line of any such township, village or city, any navigable water or stream, or which intersects with or leads to any highway so crossing such navigable water or stream, any 1 or more of such townships, villages or cities may, by its or their respective legislative bodies, petition the board of supervisors of said county for the construction or reconstruction of a bridge over such stream or water, whereon such highway may be continued as an avenue of public travel between points upon opposite sides of such water or stream. Such petition may be presented at any regular meeting of the said board of supervisors or at any special meeting thereof duly called for the presentation of such petition: Provided, That the provisions of this act shall apply only to counties having a population of 400,000 or more.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4554;—CL 1948, 254.51.

254.52 Bridge over navigable waters in certain counties; meeting of county supervisors, notices; plans and specifications.

Sec. 2. Unless such petition is to be presented to the annual meeting of said board of supervisors, or at an earlier meeting already appointed by the board to be held at least 30 days prior to such annual meeting, it may contain a request for a special meeting of said board, and may be delivered to the clerk of said board, who shall have authority, and whose duty it shall be, to call a special meeting of said board not more than 20 nor less than 10 days from the time he shall receive the petition. It shall be the said clerk's duty to inform all the members of said board to be found in the county of such meeting and the purpose thereof at least 5 days before such meeting is to be held, and at whatever meeting such petition is to be heard. It shall be the duty of such petitioner to give notice in writing to the township board at each township named and to the common council of any city and to the village council of any village named of the intention of the petitioner to ask for the hearing upon the same at such meeting, and of the purpose thereof. Such notice shall be delivered to the clerk of every township, city and village named, and if such clerk is not readily found, then to any member of the township board, and the mayor or some member of the common council of the city or cities named, and to a member of the council of the village or villages named, as the case may be, at least 7 days before said board is to be asked to hear said petition. For the purpose of facilitating by said board their determination of the kind and cost of the bridge proposed to be constructed or reconstructed, each township, city and village named in the said petition may present a plan or plans and specifications of such proposed bridge with or without drawings, and an estimate of each as to the cost thereof.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4555;—CL 1948, 254.52.

254.53 Bridge over navigable waters in certain counties; board of supervisors, authority; type of bridge.

Sec. 3. Upon presentation of any such petition said board of supervisors shall proceed to a consideration thereof. The said board shall have authority to make any necessary surveys, procure any appropriate plans and specifications, obtain estimates of probable cost of construction and take any other appropriate step for procuring necessary or desirable information with reference to the project embodied in such petition. Said board shall have full authority, by a majority vote of those voting thereon, to grant or deny the object of such petition and to determine the character and type of construction of any such bridge ordered thereon. The

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several boards of supervisors of the counties of the state shall each likewise have authority, upon their own initiative, respectively, in a proper case, in the discretion of any such board, to order the construction of a bridge over any navigable stream or water within the county, as hereinbefore provided in cases when a petition is presented to a board of supervisors by a city, village or township for the construction of a bridge. Whenever in any case a bridge shall be ordered hereunder, said board shall determine and designate only a bascule type of bridge. No part of such bridge or its approaches shall be suspended over such highway.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4556;—CL 1948, 254.53.

254.54 County under road system; authority of commissioners; specifications; type of bridges not to be changed.

Sec. 4. In those counties in which the county road system, so-called, shall have been adopted, the board of supervisors shall upon the ordering of any such bridge duly certify such action to the county road commissioners of such county. Thereupon the said county road commissioners shall promptly proceed to establish a road district for the purpose of constructing or reconstructing such bridge. Said commissioners shall have authority to procure, if need be, any further surveys, plans, specifications and estimates of cost for such work of construction or reconstruction in addition to those which may have been obtained by the said board of supervisors. Such specifications shall not be final, but may be changed by the county road commissioners, but not after the hearing of objections hereinafter provided for, except after due notice and hearing thereon: Provided, Said road commissioners shall not at any time change the type of bridge ordered by the board of supervisors.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4557;—CL 1948, 254.54.

254.55 County under road system; special assessment district, hearings, objections, boundary changes.

Sec. 5. Said county road commissioners shall speedily prepare a proposed special assessment district for such work, fixing it by resolution which shall embody a description of the boundaries thereof. They shall fix a time and place to hear objections to such proposed special assessment district and give notice thereof as hereinafter provided. Such notice shall set forth a description of the boundaries of the proposed special assessment district or the several parcels of land proposed to be assessed on account of such work, and the time and place of hearing. At this hearing all parties or persons interested shall be given an opportunity to present their objections, if any, to such proposed special assessment district. Notice of this hearing shall be given by the county road commissioners at least 10 days prior to such hearing by causing a notice thereof to be published at least once in each week for 2 weeks in succession in some newspaper published and of general circulation in such county, and by posting in public and conspicuous places 5 notices in each township, city and village within which the assessment district lies in whole or in part, and within the limits of such district, and also by posting such notice in any public place which may be provided in the county seat for the posting of public notices. At this hearing the county road commissioners shall, subject to the foregoing, make any changes in the specifications deemed by them advisable, without further notice or hearing, provided such changes do not increase the estimates more than 10 per cent. If they do increase the estimates more than 10 per cent then a new hearing shall be had and notice thereof given, as in the first instance. At said hearing the county road commissioners may alter the boundaries of the proposed assessment district: Provided, however, That if said district is enlarged or otherwise altered so as to embrace additional lands, hearing thereon after due notice shall be had as hereinbefore provided.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4558;—CL 1948, 254.55.

254.56 County under road system; commissioners' final order.

Sec. 6. After hearing objections, the county road commissioners shall make their final order in writing, under their hands, determining that the proposed improvement shall be made according to the final specifications adopted by them, a copy of which specifications shall be attached to said order.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4559;—CL 1948, 254.56.

254.57 County under road system; commissioners' powers and duties.

Sec. 7. In so far as applicable hereto, the same powers are hereby conferred, and the same duties are hereby imposed upon said county road commissioners for the prosecution, completion and payment of such improvement, as are conferred and imposed by section 4684; section 4686 to section 4689, both inclusive; section 4691 to section 4706, both inclusive; section 4711 to section 4731, both inclusive; section 4733 to section 4745, both inclusive, of the Compiled Laws of 1915 as amended and as supplemented by Act No. 125 of the Public Acts of 1917, upon county road commissioners on behalf of the county or improvement district

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with reference to works provided for in said sections and in said act, except as said Act No. 125 has been held invalid. And all the other rights created and all the other duties imposed by said sections and the said act are herewith likewise made applicable, in so far as appropriate to this act, including the method so provided for a board of review.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4560;—CL 1948, 254.57.

Compiler's note: For provisions of sections 4686 to 4689, sections 4691 to 4706, sections 4711 to 4731, and sections 4733 to 4745, referred to in this section, see MCL 247.416 to 247.419, MCL 247.421 to 247.436, MCL 247.441 to 247.460, and MCL 247.463 to 247.474, respectively. Section 4684, also referred to in this section, was repealed by Act 221 of 1933.

254.58 County under road system; rights, duties, remedies, limitations; legislative intent.

Sec. 8. With reference to the work in this act provided for which shall be done in any county in which the county road system, so-called, shall have been adopted, like rights are hereby created and like duties are hereby imposed; the acts and proceedings of said county road commissioners hereunder shall receive like effect and validity; like rights and remedies are preserved and restricted to any township, village, city and county affected hereunder by the construction or reconstruction of any such bridge; like rights and remedies are preserved and restricted to any persons, partnerships and corporations affected by any act of said county road commissioners made in connection with or following upon the improvement herewith authorized; and like duties are hereby enjoined upon the several city, village, township and county officials of the cities, villages, townships and county affected hereunder by such improvement, as are by the sections specifically enumerated above and by the said Act No. 125 respectively created and imposed; as are given to the acts and proceedings of county road commissioners; as are preserved or restricted to township, village, cities, counties, persons, firms and corporations affected by any order or determination made under the authority of said sections or any of them or under the authority of said Act No. 125, or are enjoined upon the several city, village, township and county officials mentioned in said sections and in said Act No. 125 with reference to the completion by county road commissioners of works of improvement provided for in said sections and in said Act No. 125. It is the legislative intent and purpose for the purpose of effectuating this act to make applicable hereto, in so far as may be, all the rights, duties, privileges, prerogatives, restrictions and limitations which are created and imposed by the sections above enumerated and by the said Act No. 125.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4561;—CL 1948, 254.58.

Compiler's note: For provisions of Act 125 of 1917, referred to in this section, see MCL 254.57 and Compiler's note thereto.

254.59 County under road system; annual installments, apportionment of cost; announcement of decision, exemption.

Sec. 9. Such county road commissioners shall have power and it shall be their duty to determine the number of annual installments, not exceeding 10, within which the money for the construction or reconstruction of any such bridge shall be raised. It shall apportion the whole cost of such work, in percentages, as between the special assessment area to be designated by them and whatever cities, villages and townships comprising said road districts and the county, or any or all of them, as in its discretion it shall determine. Such apportionment shall be made according to the benefits from such improvement accruing to the lands within such assessment area and the benefits to the public welfare and convenience of each of the cities, villages, townships and county, or any or all of them. The number of such installments, the road district aforesaid, the said special assessment area and said apportionment shall be designated and announced by said county road commissioners as soon as practicable after the approval of said specifications for said work. No township shall be entitled to any exemption from the payment of any assessment levied against it because of being entitled to the return of any county road taxes paid by it under section 26, chapter 4 of Act No. 283 of the Public Acts of 1909.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4562;—CL 1948, 254.59.

Compiler's note: Section 26, referred to near the end of this section, was repealed by Act 77 of 1958.

254.60 County not under road system; supervisors' authority, delegation.

Sec. 10. Whenever in any county in which the county road system, so-called, shall not have been adopted, the board of supervisors shall, pursuant to sections 1 and 2 hereof, have ordered a bridge to be constructed or reconstructed, full authority of every necessary character shall thereupon be vested in said board to construct or reconstruct as the case may be, such bridge. In furtherance thereof, said board may delegate any of its powers and duties to any of its officers, or to its committee or committees, or to any or all of them as it may deem suitable.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4563;—CL 1948, 254.60.

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254.61 County not under road system; powers and duties, legislative intent.

Sec. 11. Thereafter in any county in which the county road system, so-called, shall not have been adopted, the board of supervisors shall proceed in such manner as it shall determine, either by the board as a whole, or by any of its officers, or its committee or committees or by any or all of them, to construct or reconstruct such bridge. For such purpose, in so far as applicable hereto, the same powers are hereby conferred, and the same duties are hereby imposed upon said board, and upon its officers, its committee or committees, or any or all of them, if said board shall determine to act through them or any of them, as are conferred and imposed by section 4684; section 4686 to section 4689, both inclusive; section 4691 to section 4706, both inclusive; section 4711 to section 4730, both inclusive; section 4733 to section 4745, both inclusive, of the Compiled Laws of 1915 as amended and as supplemented by Act No. 125 of the Public Acts of 1917. It is the legislative intent and purpose in this matter for the purpose of effectuating this act to make applicable hereto, in those counties in which the county road system, so-called, shall not have been adopted, all the rights, duties, privileges, prerogatives, restrictions and limitations which are created and imposed by the said sections and by the said Act No. 125.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4564;—CL 1948, 254.61.

Compiler's note: For provisions of sections referred to in this section, see Compiler's note to MCL 254.57.

254.62 Bridge deemed public highway; county maintenance.

Sec. 12. Upon the completion of any such bridge the same shall be and become a public highway and shall thereafter be maintained and repaired as such by said county.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4565;—CL 1948, 254.62.

254.63 Tax limit; borrowing funds.

Sec. 13. The limitation as to the sums which may be raised by taxation by the county for all highway purposes whether authorized by this, or other statutes, shall not exceed in any 1 year 5 dollars for each 1,000 dollars of assessed valuation for the preceding year; and the limitation as to sums which may be raised under this act by borrowing upon the faith and credit of the county shall not, with the existing indebtedness of such county, exceed 3 per cent of its assessed valuation, except that in counties having an assessed valuation of 5,000,000 dollars or less, where such limitation last named shall not exceed 5 per cent of the assessed valuation of such county. Nor shall the board of road commissioners or the board of supervisors, as the case may be, borrow in any 1 year upon the faith and credit of the county, either under the provisions of this, or any other act providing for the construction or repair of public buildings or bridges, any sum in excess of 1/10 of 1 mill on the assessed valuation of the county unless submitted to the electors of the county and approved by a majority of those voting thereon; except, however, in any county where the assessed valuation is less than 10,000,000 dollars, either said boards may borrow for such purposes to the amount of 1,000 dollars.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4566;—CL 1948, 254.63.

254.64 Recovery of damages; plaintiffs; actions within year.

Sec. 14. In the event of any owner of property or property rights abutting upon or adjoining said highway, or any township, village or municipality adjoining said stream, being damaged or injured in his or its property or property rights, or the value thereof by reason of the erection of said bridge, the person or persons, township, village or municipality so damaged or injured shall be entitled to recover the money value of such injury or damage suffered, from the county in which said bridge is constructed. Action for the recovery of damages shall be instituted by the person or persons, township, village or municipality injured or damaged, in the circuit court for the county in which said bridge is constructed, and such action shall be commenced within 1 year from the time when said bridge shall be fully completed.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4567;—CL 1948, 254.64.

254.65 Recovery of damages; action by summons, service; alias and pluries summons.

Sec. 15. Said action may be commenced by summons, in which the county in which said bridge is constructed shall be specified as party defendant, and service of said summons by the sheriff or other proper officer of the county upon any member of the board of supervisors of such county shall be sufficient for all purposes. Said summons shall be served by the sheriff or other proper officer at least 5 days before the return day thereof, by exhibiting the original and delivering a copy of the original. If for any cause service shall not be made in accordance with the foregoing, alias and pluries summons may be issued by the court in which action is instituted, as in other civil cases. Service of such summons shall be sufficient notice of the proceedings to bind the defendant and the property represented by it. The return of the officer upon the

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summons of due service, shall be filed in the clerk's office before a jury shall be impanelled, and shall be sufficient evidence of service on the defendant and of the manner of service.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4568;—CL 1948, 254.65.

254.66 Recovery of damages; pleadings, proceedings.

Sec. 16. All pleadings in said cause, and all proceedings thereon shall be in such form as is required under the general laws of this state.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4569;—CL 1948, 254.66.

254.67 Recovery of damages; tax levy.

Sec. 17. The damages awarded by the jury in such cause, and the expenses thereof shall be paid by such county, to be raised by a general tax to be levied and collected according to the law with reference to general taxes in such county.

History: 1919, Act 398, Imd. Eff. May 13, 1919;—CL 1929, 4570;—CL 1948, 254.67.

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