

**ACQUIRING PROPERTY FOR HIGHWAY PURPOSES (EXCERPT)**  
**Act 352 of 1925**

**213.174a Determination of necessity by circuit court commissioner if board or commissioner is disqualified.**

Sec. 4a. In the event the board or commissioner shall for any reason be disqualified to hear and determine the matter of necessity, as provided in this act, such matter of necessity only shall be heard by a circuit court commissioner of the county in which the property sought to be condemned is located or by a circuit court commissioner acting in such county, as provided by law, and in case any disqualification shall be alleged against any board or commissioner before or during such hearing on necessity, such board or commissioner if they deem such allegation well-founded, may call upon a circuit court commissioner, qualified as hereinbefore provided, to hear the matter and make the determination herein prescribed, and on the day set for hearing a continuance for such purpose to a day certain, may be had if necessary. Upon the day fixed by the notice or the day certain set by such continuance, or upon such other date as said matter may be continued to, such circuit court commissioner shall hear the issue of necessity involved. Any determination on the matter of necessity made hereunder by a circuit court commissioner shall have the same force and effect and shall be filed with and acted upon by the board or commissioner in the same manner and be subject to all the provisions of this act, as are determinations made by such board or commissioner.

**History:** Add. 1931, Act 216, Eff. Sept. 18, 1931;—Am. 1937, Act 237, Eff. Oct. 29, 1937;—Am. 1941, Act 279, Eff. Jan. 10, 1942;—CL 1948, 213.174a.