

PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)
Act 283 of 1909

224.11 Construction or improvement of roads; public hearing; notice; opposition of certain record owners; purchase of private property.

Sec. 11. (1) The board of county road commissioners may lay out new roads within the county as they consider necessary. The roads shall be not less than 4 rods wide. The board may also change the width or the location or straighten the line of a road over which it takes jurisdiction.

(2) Before the board approves a project for the construction of a new road or improvement of an existing road not part of the federal-aid systems, as defined in section 103 of Public Law 85-767, 23 U.S.C. 103, which improvement consists of widening or straightening the line of a road the board of county road commissioners shall conduct a public hearing pursuant to the following procedure:

(a) Notice of the public hearing shall be given at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The first notice shall appear 30 to 40 days before the scheduled hearing with the second notice appearing 5 to 12 days before the hearing.

(b) The required notices shall contain the date, time, and place of the hearing and shall include a description of the proposed action. The notice shall also contain a map or drawing of the proposed action. The map or drawing shall be made available to the public. The notice shall set forth the tentative schedule for the right of way acquisition, if necessary for the proposed action, and for the beginning of the construction or improvement.

(c) A copy of the notice shall be delivered to the local news media and to the executive official of each affected municipality.

(3) If the record owners of 100% of the property adjacent to a local road which is 1/4 mile or less in length and which has only 1 outlet, oppose the construction or improvement of the local road, the board of county road commissioners shall not approve the project.

(4) If in the laying out, widening, changing, or straightening of a road it becomes necessary to take private property, the board shall cause a survey of the proposed road to be made, together with an accurate description of the lands required for the road. It shall endeavor to agree with each owner, who is a resident of the county, for the purchase of a right of way over the owner's land included within the description. If it is able to agree with the owner of the property, it may purchase the property and pay for the property out of the funds under its control. The land shall be conveyed to the county for the use and purpose of a road.

History: 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4357;—Am. 1929, Act 275, Eff. Aug. 28, 1929;—CL 1929, 3986;—Am. 1931, Act 145, Eff. Sept. 18, 1931;—CL 1948, 224.11;—Am. 1976, Act 150, Imd. Eff. June 16, 1976;—Am. 1978, Act 264, Imd. Eff. June 29, 1978.

Former law: See section 11 of Act 149 of 1893, being CL 1897, § 4272.

Popular name: County Road Law