

PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)

Act 283 of 1909

224.12 Condemnation; petition for appointment of commissioners; order for hearing; publication and service; proof.

Sec. 12. Whenever said board shall by resolution declare it necessary to condemn private property for the laying out, widening, changing or straightening of any road or for any other purpose for which the board is authorized to acquire private property the board may present to the circuit court or probate court of the county a petition describing the proposed road and each parcel of land necessary therefor giving the name of each person interested in each parcel so far as known, and praying for the appointment of 3 commissioners to determine the necessity of such proposed road, the necessity of taking each such parcel therefor, and to appraise the damages to be paid as compensation for such taking of each parcel for road purposes. The court shall appoint a guardian ad litem for any minor, insane or incompetent person interested in the proceedings. The guardian shall be a resident of the county. Upon the filing of the petition, the court shall make an order fixing a day for the hearing on such petition, which shall be not less than 3 weeks thereafter. Such order shall recite the names of the persons mentioned in the petition, and state the purpose of the petition. Such order shall be published once in each week for 3 successive weeks in some newspaper published and circulated in the county to be designated by the court, and notice thereof shall be served on each person named in the petition interested in the land who resides within the county, and upon each such guardian, at least 10 days before the day of hearing. Such service may be made personally or by leaving at the place of residence of the person to be served. Such publication shall constitute service of said order upon all non-residents of the county and all persons absent from the jurisdiction or unknown, or who are evading service or who for any other reason cannot be found. Proof of publication and service may be made by affidavit of any person or persons having knowledge of the facts. Such proof shall be filed with the court on the day of hearing, and thereupon the court shall have jurisdiction of the subject matter involved in the proceedings and of the parties interested therein.

History: 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4358;—Am. 1929, Act 275, Eff. Aug. 28, 1929;—CL 1929, 3987;—Am. 1931, Act 145, Eff. Sept. 18, 1931;—CL 1948, 224.12.

Former law: See section 12 of Act 149 of 1893, being CL 1897, § 4273.

Popular name: County Road Law