

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

**235.1 Drain in public highway; release of right-of-way, damages.**

Sec. 1. Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time (a) prescribed in section 4 of chapter 3, such release (b) shall be obtained in the same manner as is provided in this act for obtaining private lands.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4510;—CL 1929, 4139;—CL 1948, 235.1.

**Compiler's note:** Section 4 of Chapter 3, referred to in this section, evidently derives from Act 254 of 1897, the provisions of which were superseded by Act 316 of 1923, which in turn was repealed by Act 247 of 1949, Act 40 of 1953, and Act 40 of 1956.