

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.105 Order designating intercounty drainage district; contents, notice of filing, copies furnished commissioners; amendment of name or number of drain; costs.

Sec. 105. (1) After considering the recommendations of the surveyor or engineer under section 104, the drainage board shall determine all of the following:

- (a) A designation for the drainage district, by name or number.
- (b) A description of the drainage district, which shall comprise all the land that would be benefited by and liable for assessments for the construction of the drain. The drainage district may be described by either of the following methods:
 - (i) By its boundaries of streets and highways or tracts or parcels of land.
 - (ii) By a description of all land included in the drainage district, by tracts or parcels of land, counties, townships, cities, villages, or state trunk line highways of which the district is comprised.
- (c) A description of the drain showing the beginning, route, terminus, type of construction and the estimated cost of the construction.

(d) The percentage of the cost for laying out a drainage district tentatively apportioned to each county in which any part of the drainage district is located, subject to redetermination under section 123. If a member of the drainage board would be disqualified under sections 381 and 383 from making an apportionment of benefits, both of the following apply:

- (i) The drainage board member is disqualified from participation in the determination of tentative apportionments.
- (ii) A special commissioner shall be appointed pursuant to section 382 to serve as a member of the drainage board to determine tentative apportionments.

(2) The chairperson of the drainage board shall prepare and execute an order designating an intercounty drainage district as determined by the drainage board under subsection (1). Within 10 days after the order is executed, the chairperson of the drainage board shall file a copy of the order in the office of the county drain commissioner of each county in which any part of the district is located. The drainage board shall publish notice of the filing of the order in a newspaper of general circulation in each such county, once in each week for 2 successive weeks. The notice shall give a general description of the route of the drain and of the drainage district as shown by the order.

(3) The drain commissioner of a county traversed by the drain may request in writing that the name or number of a drain as designated in an order filed under subsection (2) be changed. The request shall state the name or number of the drain and the change to be made in the name or number. The drain commissioner shall file the request in his or her office and mail a copy of the request to the director of the department of agriculture and rural development and to the drain commissioner of each county in which any part of the drainage district is located. The director of the department of agriculture and rural development or the director's designee shall call a meeting of the drainage board. The drainage board may file an order changing the name or number of the drain. The drainage board may also order the posting of signs upon the drain for public notice of the new name or number. Copies of the order changing the name or number of the drain shall be filed with the drain commissioner and the county treasurer of each county in which any part of the drainage district is located.

(4) If the drainage board cannot agree as to the apportionment of costs for laying out a drainage district, the chairperson shall apportion the costs and the counties affected shall pay the costs as provided in section 302.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1961, Act 212, Imd. Eff. June 6, 1961;—Am. 2018, Act 646, Eff. Mar. 28, 2019.

Popular name: Act 40