

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

**280.123 Apportionment of benefits; assessment, correction, appeal.**

Sec. 123. (1) After securing the necessary property rights or interests as provided in this act, the drainage board shall determine the percentage of the whole cost of the drain to be apportioned to each county and shall include the determination in the final order of determination. If the drain commissioners cannot agree unanimously on the apportionment between counties, the chairperson shall propose the apportionment. If the drainage board cannot agree unanimously on the apportionment of benefits proposed by the chairperson, the matter shall be submitted to the board of arbitration in the manner prescribed in section 106 and that board's decision is final.

(2) After the apportionment of benefits is made under subsection (1), the commissioner of each county in which any part of the drainage district is located, unless disqualified under section 381, shall apportion the benefits for the construction of the drain to each tract or parcel of land, to any county, township, city, or village, and to any state trunk line highway within the drainage district, in the manner provided in chapter 7. The percentage so apportioned when finally approved shall be assessed against such counties, townships, cities, villages, highways, and lands according to the apportionment of benefits. The apportionment of benefits so made is subject to review and correction and may be appealed as provided in chapter 7.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 2018, Act 646, Eff. Mar. 28, 2019.

**Popular name:** Act 40