

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

280.269 Invalidation proceedings; proofs, correction of damages or assessment, order, costs.

Sec. 269. The court in which such proceedings are begun shall allow proof that the drain was necessary and conducive to the public health, convenience or welfare, and that all the steps required by law have been substantially complied with, notwithstanding the record required to be kept by the commissioner. In case substantial error is found, the court may correct any gross injustice in the award of damages, or assessment of benefits as may appear after hearing the proofs and allegations of both sides and shall make such order in the premises as shall be just and equitable, and may order that such tax or assessment remain on the tax roll for collection, or order the same to be relieved, or may perpetually enjoin the same, or any part thereof, or if the same has been paid under protest, may order the whole, or such part thereof as is just and equitable, to be refunded. In all cases where assessments shall be set aside after contracts have been let or bonds sold, the decree shall make full provision for payment of work done and materials furnished under said contracts before the commencement of suit, and for payment of such bonds and interest thereon, by reassessment according to benefits, or otherwise as equity may require. The cost of such proceedings, if error or injustice be shown, shall be apportioned among the parties, or if no manifest error or injustice be shown, such costs shall be collected of the party bringing the action.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956.

Popular name: Act 40