

**CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF HIGHWAYS (EXCERPT)**  
**Act 59 of 1915**

REVIEW OF ASSESSMENTS.

**247.441 Appeal by municipality; application for board of review, limitations; authorized representative.**

Sec. 41. The county or city at large, or any township at large assessed a per cent for any benefit for the improvement of any highway by the county road commissioners, or by the state highway commissioner, may within 10 days after the final hearing of the review heretofore provided for, appeal therefrom, and for such purpose make an application to the probate court of the proper county for the appointment of a board of review, as hereinafter provided. Townships shall appear by their respective supervisors; and counties shall appear by their clerk and prosecuting attorney; cities shall appear by their chief executive officers or by the city attorney, under the direction of the legislative body of such city. The supervisor shall act upon the direction of his township board. The clerk and prosecuting attorney shall act upon the direction of their board of supervisors, or of a committee of that board to whom may have been referred by the whole board, questions pertaining to the highway improvements. Only 1 application for a board of review shall be entertained by the probate court to review any special assessment.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4711;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—CL 1929, 4356;—CL 1948, 247.441.

**247.442 Appeal by municipality; hearing, notice; board of review or joint board; appointment, meeting, notice, duties.**

Sec. 42. The probate court upon the receipt of any such application for appeal, shall forthwith notify the county road commissioners or the state highway commissioner in writing of such an appeal. The probate court shall thereupon make an order appointing the day of hearing upon such application, and shall require notice of such hearing to be given the county at large, if subject to assessment hereunder, to the several township boards of the townships interested, and to any city liable to an assessment at large, and the county road commissioners, or the state highway commissioner, at least 3 days before such hearing. Such notice may be served on the clerk of the board of supervisors, on the city clerk and upon the township clerks of the respective townships. At such hearing, the probate court shall thereupon make an order, appointing 3 disinterested and competent freeholders of such county, not residents or freeholders of the township or townships affected or assessed for the proposed improvement, as members of a board of review. The persons so appointed shall constitute the board of review. The court shall thereupon immediately fix a time and place where the said board of review shall hold its first meeting to review such assessments, which time shall not be less than 5, nor more than 15 days from the date of such hearing. The county road commissioners, or the state highway commissioner, shall thereupon give notice to the persons so appointed of their appointment, and of the time and place of their first meeting, and shall give notice of such first meeting by posting notices in at least 5 public and conspicuous places in each township within the assessment district affected by such assessment, and by giving notice to the prosecuting attorney in the county, in all cases where the state is an interested party. Said notice shall be served and posted at least 10 days before the meeting: Provided, That if the road to be improved, or the assessment district, shall lie in 2 or more counties, the application referred to in the preceding section shall be presented simultaneously to the probate court in each of said counties. Thereupon each said court, proceeding as above set forth, shall appoint a disinterested and competent freeholder of such county as a member of the board of review. Upon certification to him of such appointment the state highway commissioner shall fix the time and place of the first meeting thereof and shall give notice as above provided, to the members so appointed, of the time and place of such meeting. If but 2 counties are concerned, and if the members appointed therefrom are unable to agree, such members shall select a third member of the board, who shall be a competent and disinterested freeholder from another county of the state. Notice of such appointment shall be given to the state highway commissioner who shall notify the member so appointed thereof and thereupon the members of the board shall proceed in the same manner as is herein provided in the case of a board appointed within 1 county by the probate court thereof. In case of the selection of a third member of the board as herein provided the state highway commissioner shall fix the time and place of meeting of the board to be held thereafter and shall notify all members accordingly.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4712;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—Am. 1921, Act 22, Imd. Eff. Mar. 31, 1921;—CL 1929, 4357;—CL 1948, 247.442.

**247.443 Board of review; duty, limitation, oath.**

Sec. 43. At such hearing the board of review shall have the right, and it shall be their duty to review and equalize all assessments of per cent of benefits made by the county road commissioners, or the state highway commissioner, for such improvement upon the county at large, or upon any city, and the total assessment made upon the several townships, including the total per cent assessed upon lands benefited therein. Such board shall not review or equalize the assessment for benefits upon particular lands. The persons so appointed as such board of review shall be sworn to faithfully discharge the duties of such board of review.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4713;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—CL 1929, 4358;—CL 1948, 247.443.

#### **247.444 Board of review; hearing, view of lands, correction of errors, additions; hearing of objections on change; decision, preparation and finality.**

Sec. 44. The board of review shall proceed to hear the proofs and allegations of the county, or of any city assessed at large, and of the several townships at large, in respect to the matter of the appeal, and shall proceed to view the lands benefited by such improvement, and to review the total per cent ordered to be paid by the county at large, and by each township, including the sum total per cent assessed upon lands benefited in such township, and if, in their judgment, there be manifest error or inequality in such assessment, they shall order, or make such changes therein within the limitations hereinbefore provided, as they may deem just and equitable. The board of review shall not equalize the assessment between the several tracts or parcels of land. Should the board of review find, upon personal examination, that there are lands liable to be assessed for the construction of such improvement, that were not included in the assessment district made by the county road commissioners, or the state highway commissioner, they shall add such lands to the assessment district for such improvement. Before adding any lands to such special assessment district not included in the final order of the county road commissioners, or the state highway commissioner, the said board of review shall give the same notice as hereinbefore provided to be given by the county road commissioners, or the state highway commissioner, in establishing a special assessment district. The board of review shall meet at the time and place mentioned in their notice, to hear objections from the persons interested with respect to change in such district. On hearing such objections, the board of review, should they still deem it just and equitable that additional lands be included in the district, shall make their order in accordance therewith. The action and decision of the board of review shall be final. The action and decision of such board shall be reduced to writing and signed by a majority making the same, and shall be delivered to the county road commissioners, or the state highway commissioner, together with all other papers relating thereto.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4714;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—CL 1929, 4359;—CL 1948, 247.444.

#### **247.445 Costs of appeals.**

Sec. 45. In case the assessment of the county road commissioners, or the state highway commissioner, shall be sustained by such board of review, the appellant shall pay the whole cost and expense of the appeal. Such cost and expense shall be ascertained and determined by the judge of probate; and the amount so determined by said judge, or by the court on appeal therefrom, shall be paid by the county, city, or township appealing, to the county treasurer of said county, and placed to the credit of the road district. If the apportionment of the county road commissioners, or the state highway commissioner, is not sustained, the road district shall pay the cost of such appeal.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4715;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—CL 1929, 4360;—CL 1948, 247.445.

#### **247.446 Appeal by land owner; application for board of review; bond, liability, costs.**

Sec. 46. The owner of any lands assessed a per cent for benefits for improving any highway, who may conceive himself aggrieved by the assessment made by the county road commissioners, or the state highway commissioner, may, within 10 days after the hearing of the review heretofore provided by the county road commissioners, or the state highway commissioner, appeal therefrom, and for such purpose make an application to the probate court of the county in which his land is situate, for a review of the per cent of benefits assessed for such improvement upon his land in any township. Said appellant shall file with the probate court a bond in the sum of 200 dollars, with 1 or more sureties, to be approved by said court, conditioned for the payment of all costs in case the assessment made by the county road commissioners, or the state highway commissioner, shall be sustained. In case the assessment of the per cent of benefits made by the county road commissioners, or the state highway commissioner, upon lands assessed in that township shall be sustained by the board of review, the appellant shall pay the whole cost of such appeal. Such cost and expenses shall be ascertained and determined by the probate court; and if not paid the appellant shall be liable

on his bond for the full amount of such costs in an action in law to be brought by the county road commissioners, or the state highway commissioner, before any court having jurisdiction. If the assessments made by the county road commissioners, or the state highway commissioner, on lands in such townships shall be changed, the road districts shall pay the cost of such appeal.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4716;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—CL 1929, 4361;—CL 1948, 247.446.

#### **247.447 Appeal by land owner; board of review, appointment, eligibility, notice; hearing, notice; assessment district in more than one county.**

Sec. 47. On the receipt of such claim of appeal by the land owner and the giving of a bond as aforesaid, the probate court shall appoint a board of review to examine into and equalize the apportionment of the per cent of benefits assessed upon lands within the assessment district. Such board of review shall consist of 3 competent and disinterested freeholders selected from townships in the same county, adjoining the township where the land of the appellant is situated outside of the assessment district. Notice of the appointment of the board of review to review the apportionment of the per cent of benefits upon lands shall be given by posting a notice thereof in 5 public and conspicuous places in the special assessment district at least 5 days prior to the hearing in the probate court for the appointment of such board of review. Such board of review when appointed shall give notice of its hearing in the matter, and of the time and place when and where it will meet to review the apportionment of benefits upon the lands in the assessment district, by posting a notice thereof at least 5 days before the day of hearing in 5 public and conspicuous places within the special assessment district. Such board of review shall also cause a copy of such notice to be delivered to the appellant, or left at his place of residence, if his residence is within the said district. If the assessment district is situated in more than 1 county the application for the board of review and the appointment thereof shall be made in the same manner as is hereinbefore provided for the application for and the appointment of the board of review to equalize and review assessments made upon the counties at large, the several townships, and the assessment district in any such case. When so selected said board of review shall proceed to review the assessments upon all lands within the assessment district as provided in this section and in the following section.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4717;—Am. 1921, Act 22, Imd. Eff. Mar. 31, 1921;—CL 1929, 4362;—CL 1948, 247.447.

#### **247.448 Apportionment final; hearing, duties of board; boundaries of districts.**

Sec. 48. The apportionment of benefits for the proposed improvements against the county at large, or against any city at large, and against the several townships at large, as made by the county road commissioners, or the state highway commissioner, or in case of appeal by the county or any township as made by the board of review hereinbefore provided for shall be final and conclusive and shall not be changed by the board of review herein appointed to review the apportionment of benefits upon lands. The board of review herein shall proceed at the time and place specified in their notice to hear the proofs and allegations of the parties in interest, and shall proceed to view the lands benefited by the proposed improvement, and to review all of the apportionments for benefits made by the county road commissioners or the state highway commissioner, on lands benefited in the assessment district on account of such improvement, and if in their judgment there be manifest error in any such apportionment upon lands benefited, they shall make such changes therein and equalize the same as they deem just and equitable. All boundaries of the special assessment district as made by the county road commissioners, or the state highway commissioner, or by the board of review hereinbefore mentioned, upon appeal shall be final and conclusive; the board of review appointed to review the apportionment of the per cent upon lands shall have no power to add additional lands to the special assessment district. But 1 appeal shall be acted upon to review the apportionment of the per cent of benefits assessed upon lands in the assessment district.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4718;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—Am. 1921, Act 22, Imd. Eff. Mar. 31, 1921;—CL 1929, 4363;—CL 1948, 247.448.

#### **247.449 Hearing; adjournment.**

Sec. 49. The several boards of review may adjourn from time to time, for the hearing of appeals; and public announcement of such adjourning shall be given.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4719;—CL 1929, 4364;—CL 1948, 247.449.

#### **247.450 Determination; certification, finality.**

Sec. 50. The several boards of review shall certify to the county road commissioners, or the state highway commissioner, their finding and determination upon any appeal, which finding and determination as to the per

cent of benefits to be assessed upon particular tracts, or parcels of lands benefited, shall be final and conclusive.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4720;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—CL 1929, 4365;—CL 1948, 247.450.

#### **247.451 Vacancy on board; filling.**

Sec. 51. Should any person appointed on either of the boards of review as aforesaid, neglect or refuse to serve, or be unable to act, the county road commissioners, or the state highway commissioner, shall report the same to the probate court, who shall, upon like notice, as in the first instance, proceed to appoint others, or another, competent and disinterested person or persons, to act on said board of review. The person or persons so appointed shall have the same power and perform the same duties as herein provided for the board of review in the first instance.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4721;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—CL 1929, 4366;—CL 1948, 247.451.

#### **247.452 Assessment rolls; spread and collection; delayed report of rolls, subsequent installments.**

Sec. 52. All the assessment rolls under this act, reported to the board of supervisors at the annual meeting thereof, shall be ordered spread and collected by the board and they shall order any rolls reported to them, while they are in session, spread and collected. Rolls not reported before the final adjournment of such boards at their annual October meeting, shall stand over until the following year, notwithstanding they may have been ordered collected by the county road commissioners the prior year. Where the contract is let prior to the annual meeting of the board of supervisors in October, and by reason of delay occurring from appeals to review the apportionment of benefits taken, so that the assessment roll, as finally determined, cannot be laid before the meetings of the board of supervisors, such delay shall not affect the collection of the second installment of the assessment, but both the first and second installments shall be collected the next year.

**History:** 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4722;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1919, Act 107, Eff. Aug. 14, 1919;—CL 1929, 4367;—CL 1948, 247.452.