



# HOUSE BILL No. 5443

November 30, 1995, Introduced by Reps. Pitoniak, DeMars, Brewer, Varga, Bobier, Scott and Hanley and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 74 of Act No. 40 of the Public Acts of 1956, entitled as amended

"The drain code of 1956,"

being section 280.74 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 74 of Act No. 40 of the Public Acts of  
2 1956, being section 280.74 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 74. Commissioners may take acknowledgments of  
5 releases of right of way and administer oaths in all proceedings  
6 ~~in any way pertaining~~ THAT PERTAIN to drains under this act. A  
7 simple form of release of right of way and damages that ~~shall~~  
8 ~~set~~ SETS forth by reference to the survey of the drain, or by  
9 other convenient description, the particular land to be conveyed  
10 and signed and acknowledged by the person having the right to

1 convey, ~~shall be deemed~~ IS a sufficient conveyance under the  
 2 provisions of this act. ~~All releases for rights of way shall be~~  
 3 ~~deemed~~ A RELEASE OF RIGHT OF WAY IS CONSIDERED to include suffi-  
 4 cient ground on each side of the center line of ~~such~~ A drain  
 5 for the deposit of the excavations ~~therefrom~~ FROM THE DRAIN.  
 6 It ~~shall not be~~ IS NOT necessary for ~~the wife~~ AN INDIVIDUAL'S  
 7 SPOUSE to sign the release of right of way unless ~~she~~ THAT  
 8 SPOUSE has an interest in the land other than HIS OR her inchoate  
 9 right of dower. ~~Whenever~~ IF a portion of a drain ~~shall be~~ IS  
 10 located within ~~any~~ A street, highway, or public place, then a  
 11 resolution adopted by a majority vote of the governing body  
 12 having jurisdiction over ~~such~~ THE street, highway, or public  
 13 place granting leave to construct ~~such~~ THE drain ~~therein,~~ IN  
 14 THE STREET, HIGHWAY, OR PUBLIC PLACE AND designating the place to  
 15 be traversed by ~~said~~ THE drain, ~~shall be~~ IS a sufficient  
 16 release of the right of way ~~, and shall be deemed~~ AND IS a suf-  
 17 ficient conveyance under this act, and ~~said~~ THE governing body  
 18 may permit the construction of an open drain if ~~such consent be~~  
 19 THE GOVERNING BODY'S CONSENT IS set forth in ~~such~~ THE  
 20 resolution.

21 Section 2. This amendatory act shall not take effect unless  
 22 Senate Bill No. \_\_\_\_\_ or House Bill No. 5441 (request  
 23 no. 03904'95) of the 88th Legislature is enacted into law.