

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

280.519 Augmented drainage board; tentative determinations; naming drain and drainage district; composition of district; resolution; new meeting; objections; notice of hearing; final order of determination; eliminating or adding public corporation; further action by drainage board; correction or addition to proceedings.

Sec. 519.

The augmented drainage board, at its first meeting, shall consider the petition for the project and make a tentative determination as to the sufficiency of the petition and the practicability of the proposed drain, and further make a tentative determination of the public corporations to be assessed. The augmented drainage board shall give a name to the drain and to the drainage district. The district shall be composed of the public corporations to be assessed for the cost of the project. If the augmented drainage board, by resolution, tentatively determines that there should be assessed a public corporation in a county other than those contained in the tentative findings of the director of the department of agriculture, further proceedings shall not be taken by the augmented drainage board, but the resolution shall have the effect of amending the preliminary finding of the director of the department of agriculture. The director of the department of agriculture shall proceed, as in the first instance, to call a new meeting of the drainage board and the augmented drainage board as enlarged by reason of the inclusion of the additional public corporations in another county. After the augmented drainage board has made the determination specified in this section, it shall fix a time, date, and place it will meet to hear objections to the proposed drain and the petition for the drain, and the matter of assessing the cost of the drain to the designated public corporations. Notice of the hearing shall be published twice in each county involved by inserting the notice in at least 1 newspaper published in the county, designated by the augmented drainage board. The first publication shall be made not less than 20 days before the time of hearing. The notice shall also be sent by registered mail to the clerk or secretary of each public corporation proposed to be assessed, except that a notice to the state shall be sent to the state highway director and a notice to a county shall be sent to both the county clerk and the county road commission. The mailing shall be made not less than 20 days before the time of hearing. The notice shall be signed by the secretary and proof of the publication and mailing of the notice shall be filed with the secretary. The augmented drainage board may provide a form to be substantially followed in the giving of such notice. After the hearing, the augmented drainage board shall make a determination as to the sufficiency of the petition, the practicability of the drain, whether the drain should be constructed, the public corporations to be assessed, and shall issue its order accordingly. The order shall be known as the final order of determination. A public corporation shall not be eliminated from, or added to, those tentatively determined to be assessed without a rehearing after notice. After the augmented drainage board has made the determinations further action in respect to the drain shall be taken by the drainage board. The augmented drainage board may be reconvened by its chairperson or 2 members of the board, upon notice given for the purpose of making a correction or addition to its proceedings.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1978, Act 235, Imd. Eff. June 15, 1978

Popular Name: Act 40