

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

**280.522 Lands and rights of way; condemnation; procedure, federal government participation; prior agreement as to highways; costs.**

Sec. 522.

The drainage board shall then proceed to secure the necessary lands or rights of way for the proposed drain. If the same cannot be secured by negotiation, then the drainage board may proceed under the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Compiled Laws of 1948, or under the applicable provisions of sections 75 to 84 of this act, and shall be deemed to be a "state agency" as that term is used in said act, or if the project is one in which the federal government is participating in any manner, then such lands or rights of way may be acquired through proceedings brought by the federal government under any appropriate federal act. No such condemnation proceedings involving highways shall be effective to take title thereto without a prior agreement with the highway agency involved. In the event that lands or rights of way shall be acquired through proceedings under a federal act, then the amount of the awards in such proceedings shall be deemed to be a part of the cost of the drain to the same extent as if the condemnation proceedings had been taken under the laws of this state.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1961, Act 154, Imd. Eff. June 1, 1961

**Popular Name:** Act 40