

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

**280.6 Drains; public easements and rights of way; use; release, notice, protest.**

Sec. 6.

All established drains regularly located and established in pursuance of law existing at the time of location and establishment and visibly in existence, which were established as drains, and all drains visibly in existence in written drain easements or rights of way on file in the office of the commissioner, shall be deemed public drains located in public easements or rights of way which are valid and binding against any owners of any property interest who became or hereafter become such owners after the location and establishment of the drain or the existence of the drain became visible or the written drain easement or right of way was executed, and the commissioner or drainage board may use, enter upon and preserve such easement or right of way for maintenance of the visible drain and any other lawful activity with respect to the same not requiring a larger or different easement or right of way and may exercise any rights granted in the written easement or right of way on file in the office of the commissioner. Easements or rights of way, or portions of easements or rights of way, no longer necessary for drainage purposes may be conveyed or released to the fee owners by the commissioner or drainage board on behalf of the drainage district. The drain commissioner or drainage board shall give at least 30 days' notice of the intention to release the excess easements by publishing a notice in a newspaper of general circulation in the county or a newspaper of general circulation where the drainage district boundaries are located. This notice shall give a general description of the excess easements to be released and the date any taxpayers may appear to protest said release. After said date if no protests are received, the drain commissioner or drainage board may release said excess easements or portions thereof not necessary for drainage purposes.

**History:** Add. 1968, Act 208, Imd. Eff. June 24, 1968

**Popular Name:** Act 40