

SUBSTITUTE FOR
HOUSE BILL NO. 4642

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
by amending section 6 (MCL 280.6).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. All established drains regularly located and
2 established ~~in pursuance of~~ **UNDER** law existing ~~IN EFFECT~~ at the
3 time of location and establishment and visibly in existence, which
4 were established as drains, and all drains ~~visibly in existence~~
5 **EVIDENCED** in written drain easements or rights of way on file in
6 the office of the **DRAIN** commissioner, ~~shall be deemed~~ **ARE** public
7 drains located in public easements or rights of way which are valid
8 and binding against any owners of any property interest who became
9 ~~or hereafter become such~~ owners after the location and
10 establishment of the drain or the existence of the drain became
11 visible or the written drain easement or right of way was executed.

1 ~~and the~~ **THE DRAIN** commissioner or drainage board may use, enter
2 upon, and preserve ~~such~~ **THE** easement or right of way for
3 maintenance of the visible drain and any other lawful activity with
4 respect to the ~~same~~ **DRAIN** not requiring a larger or different
5 easement or right of way and may exercise any rights granted in the
6 written easement or right of way on file in the office of the **DRAIN**
7 commissioner. **DRAINS THAT ARE VISIBLY IN EXISTENCE ARE OPEN OR**
8 **CLOSED DRAINS THAT CAN BE VISIBLY IDENTIFIED BY BANKS, SLOPES,**
9 **MANHOLE COVERS, OR OTHER STRUCTURES THAT WOULD IDENTIFY THE**
10 **EXISTENCE OF A DRAIN.** Easements or rights of way, or portions of
11 easements or rights of way, no longer necessary for drainage
12 purposes ~~may~~ **SHALL** be conveyed or released to the ~~fee owners~~
13 **LANDOWNERS** by the **DRAIN** commissioner or drainage board on behalf of
14 the drainage district. The drain commissioner or drainage board
15 shall give at least 30 days' notice of the intention to release the
16 excess easements by publishing a notice in a newspaper of general
17 circulation in the county or a newspaper of general circulation
18 where the drainage district boundaries are located. This notice
19 shall give a general description of the excess easements to be
20 released and the date any taxpayers may appear to protest ~~said~~ **THAT**
21 release. ~~After said date if no protests are received, the drain~~
22 ~~commissioner or drainage board may release said excess easements or~~
23 ~~portions thereof not necessary for drainage purposes.~~ **THE DRAIN**
24 **COMMISSIONER OR DRAINAGE BOARD SHALL CONSIDER ANY PROTESTS OR**
25 **PUBLIC COMMENTS RECEIVED BY THAT DATE BEFORE DETERMINING THAT AN**
26 **EASEMENT OR PORTION OF AN EASEMENT IS NOT NECESSARY FOR DRAINAGE**
27 **PURPOSES AND BEFORE RELEASING THE EXCESS EASEMENT OR PORTIONS OF**

1 THOSE EASEMENTS.