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

280.135 County or intercounty drain; extension into county not in original drainage district; adding to or removing lands from district; procedure, apportionment of cost; order.

Sec. 135. If at any time after a county or intercounty drain is constructed, it appears that it is necessary to extend the drain or drainage district into a county that was not a part of the original drainage district or to remove lands from the original drainage district resulting in the removal of a county from an intercounty drainage district, the lands may be added to or removed from the drainage district pursuant to section 197(3) or by presenting to the drain commissioner of 1 of the counties traversed or affected by the drain, a petition signed by 50% of the landowners whose land is traversed by the drain or proposed extended drain, or abuts on the part of a highway or street along the side of which the drain or proposed extended drain runs, between the point where the drain enters the highway and the point where it leaves the highway. Instead of landowners, the petition may be signed solely by a city, village, or township if authorized by its governing body or by any combination of municipalities, if the petitioning municipality or municipalities are or will be liable to assessment at large for a percentage of the cost of the drain. The petition shall state the name or number of the drain, and identify the lands proposed to be added to or removed from the drainage district. Upon receipt of the petition, the drain commissioner shall mail a copy of the petition to the director of the department of agriculture and rural development and also to the drain commissioner of each county where the original or proposed revised drainage district is located. The director of agriculture and rural development shall call a meeting of the drainage board, which shall include the commissioner of each county where the original or proposed revised drainage district is located. Notices of the meeting and all other proceedings shall be provided pursuant to section 197. At the meeting, all persons owning lands in the drainage district or proposed revised drainage district liable to assessment for benefits, or any municipality affected, may appear for or against the addition or removal of the lands. The board shall consider the petition and any evidence offered. If the board determines that the extension of the drain or drainage district or the removal of lands from the drainage district is necessary for the public health, convenience, or welfare, it shall then proceed to determine the just percentage of the whole cost of construction that each county shall bear and the number of installments in which the drain taxes shall be collected. If the commissioners cannot agree on the apportionment between counties or the number of installments, the chairperson shall determine these, subject to appeal under section 106. If, in the opinion of the drainage board, it is necessary to revise the drainage district boundaries, the board shall also enter an order to that effect. Copies of the order shall be filed with the drain commissioner of each county in the revised drainage district. Copies of an order adding the lands to the drainage district shall also be served upon all persons whose lands have been added to the drainage district in the same manner as provided in section 154(3). After the order is filed, the revised drainage board constitutes the drainage board for the revised drainage district and has all the powers and duties of drainage boards under this act.


Popular name: Act 40