PARKS, PLAYGROUNDS, DRIVES, AND BOULEVARDS

Act 161 of 1911

AN ACT to provide for the formation of corporations with power to acquire, control, own, maintain, improve, and convey property for parks, playgrounds, drives, and boulevards, and hold the same and the proceeds thereof in trust for municipalities and take private property therefor; and to impose certain duties upon the department of commerce.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- Am. 1982, Act 105, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

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455.301 Parks, playgrounds, drives and boulevards; incorporation, purpose.

Sec. 1.

Any number of persons, not less than 5, who shall desire to form a corporation for the purpose of acquiring, owning, controlling, maintaining and improving lands for the purposes of parks, playgrounds, drives and boulevards, or any 1 or more such purposes, and holding the same in trust for any 1 or more municipal corporations of this state, may, by articles of agreement in writing under their hands and seals, associate for such purposes under a name to be assumed by them in their articles of association: Provided, That no 2 corporations shall assume the same name.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10130 ;-- CL 1929, 10388 ;-- CL 1948, 455.301

455.302 Articles of association; acknowledgment, contents.

Sec. 2.

Such articles of association shall be signed by the persons associating in the first instance, and be duly acknowledged before some officer authorized by the laws of this state to take acknowledgment of deeds, and shall set forth:

(1) The name by which the corporation shall be known in law;
(2) The purpose or purposes for which the corporation is formed;
(3) The city, village or township where the office of the corporation shall be located;
(4) The municipality or municipalities for which the corporation is to hold property in trust;
(5) The names of those incorporating and their respective residences;
(6) The number of directors of the corporation.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10131 ;-- CL 1929, 10389 ;-- CL 1948, 455.302

455.303 Filing articles of association with department of commerce.

Sec. 3.

The articles of association shall be filed with the corporation and securities bureau of the department of commerce.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10132 ;-- CL 1929, 10390 ;-- CL 1948, 455.303 ;-- Am. 1982, Act 105, Imd. Eff. Apr. 19, 1982

455.304 Body corporate; powers.

Sec. 4.

Upon the recording of such articles of association the persons who have signed and acknowledged the same, their associates and successors, shall thereupon become a body politic and corporate and shall have power:

(1) To sue and be sued;

(2) To appoint and employ such officers, managers and agents as the affairs of the corporation may require;

(3) To make rules and by-laws for the regulation and management of its affairs, and alter and repeal the same;

(4) To acquire, hold, sell and convey all real and personal property suitable or necessary for the transaction of the business of the corporation, and to do all things in relation thereto in the same manner and to the same extent as a natural person.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10133 ;-- CL 1929, 10391 ;-- CL 1948, 455.304

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455.305 Corporation; shares of stock; directors, election, terms, powers.

Sec. 5.

The corporation shall not have any shares of stock or be for pecuniary profit. It shall have not less than 5 directors to be chosen annually from and by the members at the time and place fixed by the by-laws, they to hold office for 1 year and until their successors are elected. The directors shall manage the affairs of the corporation.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10134 ;-- CL 1929, 10392 ;-- CL 1948, 455.305

455.306 Membership.

Sec. 6.

There shall be 2 classes of members, life and annual. Any person may become a life member by paying to the corporation $100.00 or more in cash, or donating property or services of that value, which the corporation is willing to accept. Any person over 18 years of age may become an annual member by the payment of $1.00 or more. His membership shall terminate if he fails to pay dues for any year of at least $1.00 before the election of directors for the ensuing year.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10135 ;-- CL 1929, 10393 ;-- CL 1948, 455.306 ;-- Am. 1972, Act 41, Imd. Eff. Feb. 19, 1972

455.307 Corporation; powers; condemnation.

Sec. 7.

Corporations organized under this act shall have power to govern, manage, control, lay out and improve parks, playgrounds, boulevards and pleasure drives over which their powers and jurisdiction extend, and shall have the

right to purchase and by voluntary grants, bequests and donations to receive, take, hold and use all such lands and other property as may be necessary for carrying out its purposes, and if the corporation shall at any time be unable to make a reasonable agreement with the owners of land needed as herein provided for the purchase thereof, or with any railroad company as to crossing its railroad, or with any municipal corporation as to crossing or changing highways, streets or streams, then in all such cases upon the vote of its board of directors, such corporation shall have the power to take such property, within the limits of the state constitution, as it may require in carrying out its purposes, and may bring suit therefor in any court of competent jurisdiction, and the laws of Michigan providing for the condemnation of lands for public use shall govern and be the rule of procedure so far as the same may be practicable and applicable thereto.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10136 ;-- CL 1929, 10394 ;-- CL 1948, 455.307

455.308 Municipal corporation; transfer of realty, revocation.

Sec. 8.

Any municipal corporation, by vote of its governing body, may transfer to any such corporation in trust as hereinbefore provided, the management and control of any real property held by it, for the purpose of laying out, maintaining or carrying on parks, playgrounds, boulevards or pleasure drives, and may by like vote revoke the said transfer to such corporation and re-vest the management and control of said property in its own officers, at any time it shall be for the public benefit so to do.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10137 ;-- CL 1929, 10395 ;-- CL 1948, 455.308

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455.309 Municipal corporation; aid.

Sec. 9.

It shall be lawful for any such municipal corporation to appropriate, by a vote of its common council, or other governing body, to any such corporation, moneys for the uses and purposes of such corporation.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10138 ;-- CL 1929, 10396 ;-- CL 1948, 455.309

455.310 Lands held in trust; free access, tax exemption.

Sec. 10.

All lands acquired by any corporation organized under this act or subject to its control and management shall be held in trust as aforesaid for public parks, playgrounds, boulevards and pleasure drives for the recreation, health, welfare and benefit of the public and shall be free to all persons, subject to such necessary and reasonable rules and regulations as shall, from time to time, be adopted for the well-ordering and government thereof. And all such lands and personal property so held in trust for such purposes shall be exempt from taxation.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10139 ;-- CL 1929, 10397 ;-- CL 1948, 455.310

455.311 Trustees; court appointment.

Sec. 11.

If any corporation organized under this act shall at any time fail, from any cause, to perform the duties of trustee as herein provided, and by reason of such failure injury may result to any of the drives, parks, playgrounds, boulevards or other property held by such corporation as trustee, or shall make unreasonable rules and regulations regarding the same, or do other acts to the permanent injury of the public, then upon petition to the circuit court in chancery of the county in which said corporation shall be located of any 5 citizens and freeholders residing within said county, said court may, upon notice to such corporation, appoint a day for hearing said petition, and if upon such hearing it shall appear that damage has resulted to, or is likely to result to, the public or to any of the property held by such corporation, said court may appoint such number of trustees ad interim as shall be deemed necessary to protect the interests of the public in said trust, until such time as the disability of said corporation as trustee shall have been removed.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10140 ;-- CL 1929, 10398 ;-- CL 1948, 455.311

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455.312 Vesting of property in municipality.

Sec. 12.

If any such corporation fail at any time to have members and no trustees ad interim shall have been appointed, then until such time as the disability of such corporation as trustee shall have been removed, the title to the property thus held in trust shall vest in the municipality or municipalities for which the corporation has held the same in trust.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10141 ;-- CL 1929, 10399 ;-- CL 1948, 455.312

455.313 Construction of act.

Sec. 13.

In all proceedings of suits that may arise or be brought in any of the courts of this state touching or concerning corporations under this act, all other acts or parts of acts inconsistent herewith shall be interpreted and construed in such manner as to give full force and effect to all the provisions of this act and to all the rights and privileges hereby granted.

History: 1911, Act 161, Eff. Aug. 1, 1911 ;-- CL 1915, 10142 ;-- CL 1929, 10400 ;-- CL 1948, 455.313