WATER SUPPLY; JOINT SOURCE

Act 130 of 1945

AN ACT to authorize cities to extend and improve their municipally owned water systems through the acquisition and operation of a joint source of water supply, to finance the cost thereof through the issuance of water revenue bonds; providing for methods for the operation of such joint source of water; authorizing the purchase and condemnation of necessary property; and providing the procedure for such acquisition and financing.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945

The People of the State of Michigan enact:

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123.151 Water supply; joint source; bonds; agreements; expense.

Sec. 1.

Whenever 2 or more cities in Michigan determine to extend and improve their municipally owned water systems through the acquisition of an additional source of water supply consisting of a water supply line from one of the great lakes, bays thereof, and connecting waters between, together with related pumping station or stations, intake, meters, valves, rights of way, real estate and appurtenant apparatus and equipment (all of which are hereinafter referred to as the "source of supply"), such cities may jointly acquire, own and operate such source of supply, or any part thereof, and each such city may finance all or part of its agreed share of the cost thereof through the issuance of its water revenue bonds under the provisions of Act No. 94 of the Public Acts of 1933, as such act now exists or may hereafter be amended. The governing bodies of such cities are hereby empowered to enter into such agreements for the acquisition, operation, control, management and improvement of such source of supply (any which agreement may run for a term of years) as they may in their discretion see fit, including, but without limitation, agreements with each other, with water customers and with any board, agency or commission in which may be imposed the operation of the source of supply. Such agreements may provide for and fix the membership, powers and duties of a joint board, agency or commission to operate the source of supply, in which event the governing bodies may delegate to such board, agency or commission such of their powers with respect to the operation of the source of supply as they may see fit. Such board, agency or commission is empowered to enter into such agreements with said cities and with water consumers, including other cities, villages and public corporations, for the sale of water thereto and with respect to the operation of the source of supply, as may be consistent with the provisions of the agreements creating such board, agency or commission and as it may consider advantageous. The expense of the operation, maintenance, management, control and improvement of the source of supply may be paid either through the sale of water by the operating board to the cities and other customers, or by contributions to be made by the respective cities, or both, all as may be provided in the agreements between the cities, as originally entered into or as modified and supplemented from time to time.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945 ;-- CL 1948, 123.151
Compiler's Notes: For provisions of Act 94 of 1933, referred to in this section, see MCL 141.101 et seq.

123.152 Joint source; cities having outstanding water revenue bonds.

Sec. 2.

If any city issuing bonds hereunder shall then have outstanding other water revenue bonds which constitute a prior lien on the revenues of the city's water system, bonds may be issued hereunder in such manner as to be subordinate to the outstanding bonds.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945 ;-- CL 1948, 123.152

123.153 Joint source cities; acquisition of property; construction contracts.

Sec. 3.

Such cities shall have authority in their joint names to purchase and condemn property necessary for such source of supply, and for such purpose may bring proceedings under Act No. 149 of the Public Acts of 1911, as amended, or under any other general law of the state applicable to the condemnation of property for city purposes. Contracts for the construction of such source of supply may either be entered into individually by such cities, or in whole or in part by joint contract or contracts to which all or any of the cities are parties.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945 ;-- CL 1948, 125.153
Compiler's Notes: For provisions of Act 149 of 1911, referred to in this section, see MCL 213.21 et seq.

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123.154 Sale or delivery outside of corporate limits.

Sec. 4.

Any city taking advantage of the provisions of this act may sell and deliver water outside of its corporate limits in such amount as may be determined by its legislative body, as provided by section 23, article VIII of the constitution of Michigan, as amended in 1944.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945 ;-- CL 1948, 123.154
Compiler's Notes: In this section, "section 23, article VIII of the constitution" refers to the Constitution of 1908. See now Const. 1963, Art. VII, § 24.

123.155 Source acquired; contracts entered; limitations and procedural requirements removed.

Sec. 5.

Cities may acquire a source of water supply under this act and may enter into contracts therefor and agreements with respect thereto and may issue their revenue bonds as provided herein, without regard to any limitations or procedural requirements which may be contained in any other laws (except Act No. 94 of the Public Acts of 1933) or in the charters of said cities. Except as herein expressly otherwise provided, the provisions of said Act No. 94 of the Public Acts of 1933, as now existing or hereafter amended, shall be applicable in all respects to the issuance of the revenue bonds and the rights and remedies of the holders thereof, and except as therein provided, no election need be held as a condition to the carrying out of any of the powers herein granted.

History: 1945, Act 130, Imd. Eff. Apr. 27, 1945 ;-- CL 1948, 123.155
Compiler's Notes: For provisions of Act 94 of 1933, referred to in this section, see MCL 141.101 et seq.