

**PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)**  
**Act 283 of 1909**

**235.8 Failure to secure right-of-way; application to drain commissioner, procedure; jurisdiction.**

Sec. 8.

In case the highway commissioner cannot secure the right of way across adjacent lands for the construction of any drain by agreement with the owner or owners of the land through which it will pass, he may make under his name of office an application to the drain commissioner of the county in which the proposed drain is situated, to lay out and establish the said drain. Such application shall conform to the law regulating applications for the construction of drains, and shall require no other signature than his own as highway commissioner. Such application shall have the same force and effect and be subject in other respects to the same laws and regulations that govern other applications for the establishment of drains, and shall confer jurisdiction and authority on the county drain commissioner to lay out and establish such drain under and by virtue and in pursuance of the law governing the location and establishment of other drains. It shall not be necessary to submit to the township board or boards of the township or townships crossed or affected by such drain the question of the necessity thereof or whether the same shall be conducive to health, convenience and welfare.

**History:** 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4517 ;-- Am. 1921, Act 354, Eff. Aug. 18, 1921 ;-- CL 1929, 4146 ;-- CL 1948, 235.8

**Former Law:** See section 4 of Act 56 of 1903.