

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

**280.354 Dams in drains; construction contract with owners of lands benefited; default, contract for completion, costs and expenses.**

Sec. 354.

If at any time after the commissioner has issued his first order of determination declaring such improvement to be necessary, and before the letting of any contract for constructing the same, all of the owners of the land through which or for the benefit of which such drain is located shall by themselves, their agents or attorneys, pay to the commissioner all the costs and expenses thus far incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties and in such sum as the commissioner may require, to construct such improvements on such drain and pay all expenses necessary to be incurred in the construction, maintenance and operation of the same, then the commissioner may contract with such owner or owners, and such improvements when accepted shall be certified by the commissioner as a drain constructed in pursuance of the provisions of this act, and shall be recorded in the same manner as other drains. If such contract is not fulfilled in the time limited therein, the commissioner shall contract with other parties for the completion of the work and the parties so in default and their sureties shall be liable for all costs and expenses attending such default.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956

**Popular Name:** Act 40