

**ACQUISITION OF PROPERTY FOR PUBLIC HIGHWAYS (EXCERPT)**  
**Act 295 of 1966**

**213.363 Name in which property taken; acquisition by and execution of appropriation instrument; fluid mineral and gas rights; recordation of instruments.**

Sec. 3. Property for county roads shall be secured by the board of county road commissioners and shall be taken in the name of the board. Property for trunk line highway purposes shall be secured by the state highway commission and shall be taken in the name of the state or commission. Property secured by a city or village shall be taken in the name of the city or village. Property secured by a county shall be taken in the name of the county. Property secured by a township shall be taken in the name of the township. Property secured by a drainage district shall be taken in the name of the drainage district. Property not acquired by condemnation shall be acquired by appropriation instrument duly executed by the owner or owners of the lands and acknowledged and witnessed in the manner provided by law for the acknowledging and witnessing of deeds. Fluid mineral and gas rights shall be considered excluded from those instruments unless specifically included. The exercise of fluid mineral and gas rights, as permitted by law, shall not interfere with the use of the property for highway purposes, including limited access highway purposes. The instruments shall be recorded in the office of the register of deeds of the county in which the land is situated.

**History:** 1966, Act 295, Imd. Eff. July 14, 1966;—Am. 1967, Act 206, Imd. Eff. July 10, 1967;—Am. 1971, Act 220, Imd. Eff. Dec. 30, 1971;—Am. 1978, Act 188, Imd. Eff. June 4, 1978.