

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

224.17 County line road; establishment; proceedings; arbitration; hearing; conducting business at public meeting; notice; adjournment; allotment; refusing or neglecting to construct or maintain road; petition; duty of state highway commission; deduction from weight and gasoline tax refunds.

Sec. 17.

The boards of county road commissioners of adjoining counties may unite in laying out and establishing a county road on or near the line between their counties; may institute proceedings to acquire the lands for the road; and may construct and maintain the road at the joint expense of the counties. Should a part of the line road become abandoned, or should the division of the line road between the counties for opening, improvement, and maintenance become unjust and inequitable, on the written application of 7 or more property owners of either county, or on application of the state highway commission addressed to the county road commissioners of a county, the commissioners to whom the application is made within 5 days after receipt of the application, shall notify the county road commission of the adjoining interested county. Each commission shall appoint as arbitrator 1 of its members, and the 2 shall jointly appoint a time and place of hearing. The hearing shall not be less than 10 nor more than 20 days after the receipt of the application. The business which the arbitrators may perform shall be conducted at a public meeting of the arbitrators held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the hearing shall be posted in 3 public places in the county affected in the manner required by Act No. 267 of the Public Acts of 1976. The hearing may be adjourned, but for not more than 20 days. At a hearing the arbitrators shall jointly determine whether the former division of the road is just and equitable, and if not, shall determine and allot what portion of road shall be improved and maintained by either of the counties. The allotment shall take effect immediately. Should the arbitrators be unable to agree, they shall adjourn the hearing, and on the adjourned day associate with themselves a county road commissioner of another immediately adjoining county. Should the 2 arbitrators be unable to agree on the third arbitrator, on notification of the state highway commission by the county road commission to which application for redivision has been made that they are unable to agree on the third arbitrator, the state highway commission shall appoint a third disinterested party, and the 3 shall determine the questions by majority vote. When a line road or bridge has been laid out or established, and the county road commissions refuse or neglect to construct or maintain their designated portion of the road in a manner reasonably safe and fit for public travel, the state highway commission, on a petition of 7 property owners of either county, shall inspect the merits of the petition. If the state highway commission decides with the petitioners, the state highway commission shall direct the county road commission to which the road or bridge belongs to construct and maintain the road or bridge, and in default shall be authorized to cause the road to be placed in condition safe and fit for public travel and pay for cost out of the highway fund, reimbursing the fund by appropriate deduction from the next installment of weight and gasoline tax refunds due the county or counties.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4363 ;-- CL 1929, 3992 ;-- Am. 1935, Act 142, Imd. Eff. June 4, 1935 ;-- CL 1948, 224.17 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978

Former Law: See section 17 of Act 149 of 1893, being CL 1897, § 4278.

Popular Name: County Road Law