

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

229.1 Application for private road; notice.

Sec. 1.

When an application is made to the township supervisor for a private road, he shall give notice in writing to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, which shall not be more than 10 nor less than 5 days from the time of service of the notice, for the purpose of aiding in the striking of a jury to determine the necessity of the road. If the land over which it is proposed to lay the road is nonresident and the owner thereof does not reside in the county, the notice shall be served in the same manner as is provided in laying out public roads, and proof of service or posting shall be made in like manner.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4447 ;-- CL 1929, 4062 ;-- CL 1948, 229.1 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973

Constitutionality: The Opening of Private Roads and Temporary Highways Act, MCL 229.1 et seq. is unconstitutional because the act authorizes a taking and the taking primarily benefits a private rather than a public purpose and provides for an unconstitutional taking under Const 1963, art X, § 2. *Tolksdorf v Griffith*, 464 Mich 1; 626 NW2d 163 (2000).

Former Law: See section 1 of Ch. VIII of Act 243 of 1881; How., § 1388; CL 1897, § 4142.