

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895
Chapter XIII
APPROPRIATION OF PRIVATE PROPERTY

73.1 Condemnation.

Sec. 1.

Private property may be taken for public use in a village for opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges, public buildings, and other public structures; for public grounds, parks, marketplaces, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters; for the improvement of sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses; for public hospitals; and for other lawful and necessary public uses.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2910 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2784 ;-- CL 1929, 1693 ;-- CL 1948, 73.1 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

73.2 Condemnation; acquisition of property; resolution.

Sec. 2.

To initiate the acquisition of private property, the council shall adopt a resolution describing the private property, declaring that the acquisition of the property is necessary for an improvement described in section 1 necessary for the use and benefit of the public, and designating the public improvement. The resolution shall direct that procedures to acquire the property be commenced under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2911 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2785 ;-- CL 1929, 1694 ;-- CL 1948, 73.2 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

73.3 Condemnation; record of proceedings; admissible as evidence.

Sec. 3.

If a verdict and judgment in an action under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, is rendered in favor of the village in the circuit court, then, after the verdict and judgment become final, unless the cause was discontinued, the village clerk shall procure copies of the judgment of the circuit court as well as of the verdict of the jury, and record them in a book of records kept by the village clerk. The book of records of the proceedings kept by the village clerk, or certified copies thereof, shall be admissible in evidence and have the same evidentiary effect as a copy of the order judgment or decree of the circuit court authenticated by the judge or clerk of the court under seal thereof, as provided in section 2106 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2106.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2912 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2786 ;-- CL 1929, 1695 ;-- CL 1948, 73.3 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

73.4 Condemnation; assessment.

Sec. 4.

(1) After the village clerk records the final judgment and verdict as provided in section 30 of this chapter, the proper and necessary proceedings may be taken by the council for the collection of the sum awarded by the jury.

(2) If the council believes that real estate in the village in the vicinity of the proposed improvement will be benefited by the improvement, the council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded by the jury, and of the costs and expenses incurred in connection with the proceedings, be assessed upon the owners or occupants of real estate determined to be benefited. The council shall, by resolution, fix and determine the district of the village benefited, and specify the amount to be assessed upon the owners or occupants of the benefited real estate. In determining the amount of such costs and expenses, the council may include all costs and expenses incurred or paid for jurors' fees, expenses of abstracts, all surveys and maps, and all other necessary expenses. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of the benefited real estate, in proportion, as nearly as may be, to the advantage which each such lot or parcel is deemed to acquire by the improvement.

(3) The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, provided in sections 31 to 35 of chapter VIII. The assessment roll, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and each assessment shall be a lien on the premises on which it is assessed until the assessment is paid.

(4) Whatever amount or portion of such awarded compensation, costs, and expenses is not raised by special assessment shall be assessed, levied, and collected upon the taxable real estate of the village, the same as other general taxes are assessed and collected. The village may purchase assessed premises or any portion sold for nonpayment of the amount assessed.

(5) If there is on the private property taken a building or other structure, it may be sold by or under the direction of the council. The amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2913 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2787 ;-- CL 1929, 1696 ;-- CL 1948, 73.4 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

73.5 Condemnation by negotiation and purchase.

Sec. 5.

This chapter does not prohibit a village from obtaining private property for a public use specified in section 1 of this chapter by negotiation and purchase. Further, this chapter does not permit a village to acquire property by condemnation that is located outside of the village limits.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2914 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2788 ;-- CL 1929, 1697 ;-- CL 1948, 73.5 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

73.6-73.36 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's Notes: The repealed sections pertained to condemnation proceedings.