

# SENATE BILL No. 689

November 28, 1989, Introduced by Senators CROPSEY,  
N. SMITH, BARCIA, WELBORN, SHINKLE and POSTHUMUS  
and referred to the Committee on Local Government  
and Veterans.

A bill to amend sections 20a and 20g of chapter I of Act  
No. 283 of the Public Acts of 1909, entitled as amended

"An act to revise, consolidate and add to the laws relating to  
the establishment, opening, discontinuing, vacating, closing,  
altering, improvement, maintenance and use of the public highways  
and private roads, the condemnation of property and gravel there-  
for; the building, repairing and preservation of bridges; setting  
and protecting shade trees, drainage, cutting weeds and brush  
within this state, and providing for the election or appointment  
and defining the powers, duties and compensation of state,  
county, township and district highway officials,"

being sections 221.20a and 221.20g of the Michigan Compiled Laws;  
and to add section 33 to chapter IV.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 20a and 20g of chapter I of Act No. 283
- 2 of the Public Acts of 1909, being sections 221.20a and 221.20g of
- 3 the Michigan Compiled Laws, are amended and section 33 is added
- 4 to chapter IV to read as follows:

## CHAPTER I

1  
2       Sec. 20a. A township, with the prior written consent of the  
3 board of county road commissioners ~~and~~ IF A ROAD IS TO BE UNDER  
4 COUNTY CONTROL, upon petition to the township board by 51% of the  
5 property owners whose frontage abuts a road may commence an  
6 action in circuit court to have the road determined to be a  
7 public highway and to determine the length and boundaries of the  
8 road. If the court finds that there has been public use of the  
9 road for ~~a~~ AT least 10 years and that public authorities have  
10 expended public money on the road, it shall enter an order that  
11 the road has become a public highway setting forth the length and  
12 boundaries of that public highway. If the court finds that the  
13 road has not become a public highway, the township may in the  
14 same action acquire by purchase or condemnation in accordance  
15 with section 20h of this chapter the property rights of those  
16 owners who in the action claim that the road is not a public  
17 highway and the court shall enter its order that the road is a  
18 public highway and set forth the length and boundaries of that  
19 public highway.

20       Sec. 20g. (1) ~~Any~~ A road determined to be a public high-  
21 way ~~in accordance with~~ PURSUANT TO this chapter THAT IS TO BE  
22 UNDER THE CONTROL OF THE COUNTY shall be improved by the township  
23 to standards determined in writing by the board of county road  
24 commissioners of that county. The standards may be less than the  
25 standards adopted by that board of county road commissioners for  
26 construction of subdivision streets. UPON COMPLETION OF THE  
27 IMPROVEMENTS TO BOARD OF COUNTY ROAD COMMISSIONERS STANDARDS, THE

1 PUBLIC HIGHWAY SHALL BE ACCEPTED BY THE BOARD OF COUNTY ROAD  
2 COMMISSIONERS AS A COUNTY ROAD AND MADE A PART OF THE COUNTY ROAD  
3 SYSTEM PURSUANT TO SECTION 18 OF CHAPTER IV. BETWEEN THE TIME  
4 THAT THE COURT ENTERS ITS ORDER DECLARING THAT THE ROAD IS A  
5 PUBLIC HIGHWAY AND THE TIME THAT THE PUBLIC HIGHWAY IS ACCEPTED  
6 BY THE BOARD OF COUNTY ROAD COMMISSIONERS NEITHER THE TOWNSHIP  
7 NOR THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL BE RESPONSIBLE  
8 FOR MAINTAINING THE PUBLIC HIGHWAY NOR BE LIABLE FOR FAILURE TO  
9 MAINTAIN THE PUBLIC HIGHWAY.

10 (2) The township may specially assess all or part of the  
11 costs of the improvements against benefited property owners pur-  
12 suant to Act No. 188 of the Public Acts of 1954, as amended,  
13 being sections 41.721 to ~~41.737~~ 41.738 of the Michigan Compiled  
14 Laws. The petition required by section 20a may serve as the  
15 petition for commencing special assessment proceedings if the  
16 petition so states. ~~Upon completion of the improvements to~~  
17 ~~board of county road commissioners standards the public highway~~  
18 ~~shall be accepted by the board of county road commissioners as a~~  
19 ~~county road and made a part of the county road system in accord-~~  
20 ~~ance with the provisions of section 18 of chapter 4. Between the~~  
21 ~~time that the court enters its order declaring that the road is a~~  
22 ~~public highway and the time that the public highway is accepted~~  
23 ~~by the board of county road commissioners neither the township~~  
24 ~~nor the board of county road commissioners shall be responsible~~  
25 ~~for maintaining the public highway nor be liable for failure to~~  
26 ~~maintain the public highway.~~

## CHAPTER IV

1  
2 SEC. 33. EXCEPT AS PROVIDED IN THIS SECTION, THIS CHAPTER  
3 DOES NOT APPLY TO ANY TOWNSHIP AND THE PUBLIC HIGHWAYS IN THAT  
4 TOWNSHIP IF THE TOWNSHIP ELECTS TO CONTROL THE PUBLIC HIGHWAYS  
5 WITHIN THE BOUNDARIES OF THE TOWNSHIP UNDER SECTION 2A OF CHAPTER  
6 16 OF THE REVISED STATUTES OF 1846, BEING SECTION 41.2A OF THE  
7 MICHIGAN COMPILED LAWS. A TOWNSHIP THAT ELECTS TO CONTROL THE  
8 PUBLIC HIGHWAYS WITHIN THE BOUNDARIES OF THE TOWNSHIP SHALL HAVE  
9 THE SAME POWERS AND DUTIES AS ARE PRESCRIBED FOR COUNTIES UNDER  
10 THIS CHAPTER.

11 Section 2. This amendatory act shall not take effect unless  
12 Senate Bill No. 688

13 of the 85th Legislature is enacted into law.