## ACQUIRING RAILROAD OR PUBLIC UTILITY RIGHT OF WAY FOR TRUNK LINE HIGHWAY
## Act 215 of 1925

AN ACT to authorize and empower the state highway commissioner to purchase or condemn property or interests in property to exchange for the property, rights of way, or any part thereof or interests therein, owned by railroads, railways or public utilities, having the right of eminent domain, when such property, rights of way, or any part thereof or interest therein, is necessary to be acquired for establishing, constructing, widening, straightening, altering, relocating or otherwise improving a trunk line highway, and to make such exchange.

**History:** 1925, Act 215, Imd. Eff. May 6, 1925;—Am. 1957, Act 260, Imd. Eff. June 6, 1957.

*The People of the State of Michigan enact:*

### 213.151 Public utility right-of-way; acquisition by state highway commissioner; acquisition and exchange of other property.

Sec. 1. Whenever, in the discretion of the state highway commissioner, it is necessary to acquire the property or rights of way, or any part of or interest in said property or rights of way, owned by a railroad, railway or public utility having the right of eminent domain, in order to establish, construct, widen, straighten, alter, relocate or otherwise improve a trunk line highway, the state highway commissioner shall be authorized to enter into negotiations with such railroad, railway or public utility for the purchase of said property, rights of way, or any part thereof or interest therein, and to enter into an agreement with any such railroad, railway or public utility to exchange other designated property or interests in property for such property, rights of way, or any part thereof or interests therein, whenever such other designated property or interests in property shall be acquired by him; and whenever any such agreement has been entered into, the said state highway commissioner shall be authorized and he is hereby empowered to acquire such other property or interests in property by purchase or condemnation, and when acquired to execute the necessary conveyances and releases thereof to such railroad, railway or public utility for its use, and to take in exchange therefor the railroad, railway or public utility property, rights of way or any part thereof or interests therein for such public highway purposes in accordance with such agreement.

**History:** 1925, Act 215, Imd. Eff. May 6, 1925;—CL 1929, 3881;—CL 1948, 213.151;—Am. 1957, Act 260, Imd. Eff. June 6, 1957.

### 213.152 Public utility property; condemnation procedure.

Sec. 2. The procedure that is, or may be, prescribed for condemnation proceedings instituted by boards of county road commissioners or the procedure that is, or may be, provided for the condemnation by state agencies and public corporations of private property for the use or benefit of the public, is hereby expressly made applicable to any proceeding brought by the state highway commissioner under the provisions of this act.

**History:** 1925, Act 215, Imd. Eff. May 6, 1925;—CL 1929, 3882;—CL 1948, 213.152.

### 213.153 Public utility property; payment.

Sec. 3. Whenever any property or interests in property shall be acquired by the state highway commissioner under and by virtue of the provisions of this act, the consideration or compensation to be paid therefor shall be paid out of the state highway funds.

**History:** 1925, Act 215, Imd. Eff. May 6, 1925;—CL 1929, 3883;—CL 1948, 213.153;—Am. 1957, Act 260, Imd. Eff. June 6, 1957.

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