

**TAKING OF PUBLIC UTILITY BY CITY (EXCERPT)**  
**Act 119 of 1919**

**213.118 Jury; determination and award; title vested in petitioner.**

Sec. 8.

The jury shall determine by their verdict the necessity for taking the absolute title in fee to such private property for public use, and in case they find such necessity exists, they shall award just compensation therefor to the owners of the property taken as well as to the owners of any mortgage, lease, agreement or other lien, estate or other interest therein. But the petitioner may take the absolute title in fee to said property subject to any mortgage or other lien thereon whenever its intention so to do is declared in the resolution of the common council, provided for in section 2 of this act, as well as in the petition of the city attorney, corporation counsel or other legal representative of the city under section 3 of this act, and in that event no compensation shall be awarded to the holder of such mortgage or lien.

**History:** 1919, Act 119, Eff. Aug. 14, 1919 ;-- CL 1929, 3818 ;-- CL 1948, 213.118