

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

213.122 Finding of necessity; right to possession on giving security; writ of assistance.

Sec. 12.

If the jury find that it is necessary to take for public use the absolute title in fee to such public utility, the petitioner may at once take possession of said property upon giving security to be approved by the court, after due notice to all parties concerned, to make just compensation to all persons entitled thereto for the taking the absolute title in fee to said public utility for public use by petitioner, under this act and in case said verdict is set aside said city to account to the owner or persons interested for all rents or profits derived by it from such possession and to indemnify them for all damages they may sustain thereby, and in the event said petitioner shall be entitled, on making a sufficient showing, to a writ of assistance to put it in possession of the property, as if the compensation for the taking of the absolute title in fee to such property awarded by the jury had been awarded and paid into the city treasury in accordance with section 20 of this act.

History: 1919, Act 119, Eff. Aug. 14, 1919 ;-- CL 1929, 3822 ;-- CL 1948, 213.122