

ACQUISITION OF PROPERTY BY STATE AGENCIES AND PUBLIC CORPORATIONS (EXCERPT)
Act 149 of 1911

213.25 Condemnation proceedings; resolution; petition; contents; jury to determine necessity; compensation.

Sec. 5.

The public corporation or state agency shall make and deliver to its attorney a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file in the name of the corporation or state agency in the court having jurisdiction of the proceedings a petition signed by him in his official character and duly verified by him, to which petition a certified copy of the resolution of the corporation or state agency shall be annexed, which certified copy shall be prima facie evidence of the action taken by the corporation or state agency and of the passage of said resolution. The petition shall state among other things that it is made and filed as commencement of judicial proceedings by the corporation or state agency in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without the consent of the owners, for a public improvement or for the purposes of its incorporation or for public purposes within the scope of its power, designating the same, for a just compensation to be made. A description of the property to be taken shall be given, and also the names of the owners and others interested in the property so far as can be ascertained. The petition shall also state that the corporation or state agency has declared such improvement or purpose to be necessary, and that it deems it necessary to take the private property described for such improvement or purpose, for the use or benefit of the public. The petition shall ask that a jury be summoned and impanelled to ascertain and determine whether it is necessary to make such public improvement or fulfill such purpose and whether it is necessary to take such property as it is proposed to do for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief to which the public corporation or state agency may be entitled within the objects of this act.

History: 1911, Act 149, Eff. Aug. 1, 1911 ;-- CL 1915, 357 ;-- CL 1929, 3767 ;-- CL 1948, 213.25