

SENATE BILL 499 (LRB -2821)

An Act to repeal 84.095 (4) (a) 6., 84.095 (4) (a) 9. d. and 84.095 (4) (a) 10.; to amend 84.095 (1) (a), 84.095 (1) (c), 84.095 (2) (a), 84.095 (2) (b) 1., 84.095 (3) (b), 84.095 (4) (a) 1., 84.095 (4) (a) 7., 84.095 (4) (a) 9. (intro.), 84.095 (4) (a) 9. b., 84.095 (4) (b) 3., 84.095 (6) (title), 84.095 (6) (a), 84.095 (7) (title), 84.095 (7) (a), 84.095 (7) (c) and 84.095 (8) (b); to repeal and recreate 84.095 (1) (f) and 84.095 (4) (a) 9. c.; and to create 84.095 (4) (d), 84.095 (7) (d) and 84.095 (8m) of the statutes; relating to: recording and filing transportation project plats. (FE)

2006

- 01-06. S. Introduced by Senators **Grothman, Roessler, Lassa and Kedzie**; cosponsored by Representatives **Hahn, Krawczyk, Hines, F. Lasee, Albers, Gunderson, Strachota, Ott and Van Roy.**
- 01-06. S. Read first time and referred to committee on Natural Resources and Transportation 518
- 02-01. S. Fiscal estimate received.
- 02-01. S. Public hearing held.
- 02-15. S. Executive action taken.
- 02-16. S. Report passage recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0 602
- 02-16. S. Available for scheduling.
- 02-23. S. Placed on calendar 2-28-2006 by committee on Senate Organization.
- 02-28. S. Read a second time 638
- 02-28. S. Ordered to a third reading 638
- 02-28. S. Rules suspended 644
- 02-28. S. Read a third time and **passed** 645
- 02-28. S. Ordered immediately messaged 646
- 03-21. A. Received from Senate 984
- 03-21. A. Read first time and referred to committee on Transportation 985
- 03-23. A. Public hearing held.
- 03-23. A. Executive action taken.
- 04-07. A. Report concurrence recommended by committee on Transportation, Ayes 14, Noes 0 1007
- 04-07. A. Referred to committee on Rules 1007
- 04-25. A. Placed on calendar 4-27-2006 by committee on Rules.
- 04-27. A. Read a second time.
- 04-27. A. Ordered to a third reading.
- 04-27. A. Rules suspended.
- 04-27. A. Read a third time and **concurred in**.
- 04-27. A. Ordered immediately messaged.
- 04-28. S. Received from Assembly concurred in.

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 2821 / 2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

5-1-06

Date

SR Willy

Enrolling Drafter

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2005 SENATE BILL 499

January 6, 2006 – Introduced by Senators GROTHMAN, ROESSLER, LASSA and KEDZIE, cosponsored by Representatives HAHN, KRAWCZYK, HINES, F. LASEE, ALBERS, GUNDERSON, STRACHOTA, OTT and VAN ROY. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT to repeal** 84.095 (4) (a) 6., 84.095 (4) (a) 9. d. and 84.095 (4) (a) 10.; **to**
2 **amend** 84.095 (1) (a), 84.095 (1) (c), 84.095 (2) (a), 84.095 (2) (b) 1., 84.095 (3)
3 (b), 84.095 (4) (a) 1., 84.095 (4) (a) 7., 84.095 (4) (a) 9. (intro.), 84.095 (4) (a) 9.
4 b., 84.095 (4) (b) 3., 84.095 (6) (title), 84.095 (6) (a), 84.095 (7) (title), 84.095 (7)
5 (a), 84.095 (7) (c) and 84.095 (8) (b); **to repeal and recreate** 84.095 (1) (f) and
6 84.095 (4) (a) 9. c.; and **to create** 84.095 (4) (d), 84.095 (7) (d) and 84.095 (8m)
7 of the statutes; **relating to:** recording and filing transportation project plats.

Analysis by the Legislative Reference Bureau

Under current law, when the Department of Transportation (DOT) or a municipality acquires land, or interests or rights in land, for a public project, it files a plat describing the acquired land in the office of the register of deeds where the land is located. The plat depicts the order authorizing the acquisition of the land and may be referred to in legal documents to describe the land or interests in the land. This bill makes changes to the way plats are filed and recorded.

Under the bill, DOT or a municipality may file a plat describing land that is either acquired or disposed of for a project, and a plat may consist of a single sheet or a detail and a title sheet that describes the limits of the project involving the land, a location map, and identification of plat symbols and abbreviations.

The bill clarifies that an affidavit of correction may be filed to correct scrivener errors but may not be used to reconfigure land parcels or rights or interests that are

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required for a project. The bill also allows a plat to be used to delineate a right-of-way, and allows for more flexibility in the materials used for a plat and the size of an acceptable plat.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 84.095 (1) (a) of the statutes is amended to read:

2 84.095 (1) (a) “Parcel” means one or more pieces of land, or interests or rights
3 in land, under the same ownership or control to be acquired or disposed of for a
4 project and depicted on a plat.

5 **SECTION 2.** 84.095 (1) (c) of the statutes is amended to read:

6 84.095 (1) (c) “Plat” means a map that is prepared for a project, or a part of a
7 project, ~~and that consists of a single sheet.~~ The plat shall consist of a single sheet or
8 a detail and a title sheet.

9 **SECTION 3.** 84.095 (1) (f) of the statutes is repealed and recreated to read:

10 84.095 (1) (f) “Title sheet” means a sheet that includes, but is not limited to,
11 limits of the project, location map, and identification of plat symbols and
12 abbreviations.

13 **SECTION 4.** 84.095 (2) (a) of the statutes is amended to read:

14 84.095 (2) (a) The department, or a city, village, town, or county, may submit
15 any order or resolution relating to a project in the form of a plat for filing or recording
16 in the office of the register of deeds in the county in which the parcel is located. The
17 plat may include a separate title sheet and shall be filed or recorded within 20 days
18 after the plat is signed under sub. (4) (a) 4. The register of deeds shall file or record
19 any plat submitted under this subsection as a transportation project plat. A project

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1 authorized by an order or resolution may be described in more than one plat.
2 Whenever a project is described in more than one plat, each plat may be submitted
3 separately for filing or recording.

4 **SECTION 5.** 84.095 (2) (b) 1. of the statutes is amended to read:

5 84.095 (2) (b) 1. Plats filed or recorded under this section are for parcel or right
6 of way delineation purposes only and do not effect a transfer or encumbrance of any
7 title to real or personal property.

8 **SECTION 6.** 84.095 (3) (b) of the statutes is amended to read:

9 84.095 (3) (b) Corrections to a plat may be made only by the entity that
10 prepared or submitted the plat for filing or recording and only if the correction does
11 not affect the interests or rights to be acquired required. Corrections to a plat shall
12 be made by filing or recording with the register of deeds an affidavit of correction that
13 identifies the affected plat and states the defect in or change to the plat along with
14 the correct information. An affidavit of correction may not be used to reconfigure
15 parcels or rights and interests required for the project. Affidavits of correction may
16 be used to correct distances, angles, directions, bearings, chords, lot and block
17 numbers, street names, or other scrivener errors. The register of deeds shall make
18 suitable notations on the plat to which the affidavit refers. The record of the affidavit
19 of correction, or a certified copy of the record, is prima facie evidence of the facts
20 stated in the affidavit.

21 **SECTION 7.** 84.095 (4) (a) 1. of the statutes is amended to read:

22 84.095 (4) (a) 1. An official order or resolution of the department, city, village,
23 town or county authorizing the project. If the plat is to be used only to delineate
24 existing highway right-of-way, the plat must refer to a resolution or revised

1 relocation order from a previous project. If a recorded or revised relocation order does
2 not exist, the department may establish right-of-way.

3 **SECTION 8.** 84.095 (4) (a) 6. of the statutes is repealed.

4 **SECTION 9.** 84.095 (4) (a) 7. of the statutes is amended to read:

5 84.095 (4) (a) 7. The coordinate reference, ~~if applicable~~ and datum.

6 **SECTION 10.** 84.095 (4) (a) 9. (intro.) of the statutes is amended to read:

7 84.095 (4) (a) 9. (intro.) The delineation of each parcel. For each parcel, a
8 complete description of the following shall be included:

9 **SECTION 11.** 84.095 (4) (a) 9. b. of the statutes is amended to read:

10 84.095 (4) (a) 9. b. The right, title or interest in land ~~to be acquired~~ required.

11 **SECTION 12.** 84.095 (4) (a) 9. c. of the statutes is repealed and recreated to read:

12 84.095 (4) (a) 9. c. The area of the parcel required.

13 **SECTION 13.** 84.095 (4) (a) 9. d. of the statutes is repealed.

14 **SECTION 14.** 84.095 (4) (a) 10. of the statutes is repealed.

15 **SECTION 15.** 84.095 (4) (b) 3. of the statutes is amended to read:

16 84.095 (4) (b) 3. The location of the highway reference line by bearing and
17 distance from a boundary line of a section, ~~if known~~, or from a recorded private claim
18 or federal reservation.

19 **SECTION 16.** 84.095 (4) (d) of the statutes is created to read:

20 84.095 (4) (d) The requirements under this section and in Wisconsin
21 Administrative Code AE-7.08, entitled "U.S. public land survey monument record"
22 in effect on January 1, 2004, contain all of the requirements for a transportation
23 project plat.

24 **SECTION 17.** 84.095 (6) (title) of the statutes is amended to read:

25 84.095 (6) (title) PLAT DIMENSIONS AND PAPER MEDIA.

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1 **SECTION 18.** 84.095 (6) (a) of the statutes is amended to read:

2 84.095 (6) (a) No plat may be filed or recorded in the office of a register of deeds
3 unless the plat has a binding margin of 1.5 inches wide and a one-inch margin on
4 all other sides, and is printed on muslin-backed white paper that is produced on any
5 material that is capable of clearly legible reproduction or other media that is
6 acceptable to the register of deeds. The dimensions of the plat shall be 22 inches wide
7 by 30 inches long with nonfading black image or reproduced with photographic silver
8 haloid image on double matt polyester film of not less than 4 mil thickness. Larger
9 plats may be used if acceptable to the register of deeds and agreeable to the agency
10 who submitted the plat. A plat that is submitted for filing or recording shall contain
11 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of
12 deeds.

13 **SECTION 19.** 84.095 (7) (title) of the statutes is amended to read:

14 84.095 (7) (title) DESCRIPTION FOR PARCELS AND REMAINDER INTERESTS REMNANT
15 PARCELS.

16 **SECTION 20.** 84.095 (7) (a) of the statutes is amended to read:

17 84.095 (7) (a) Whenever a plat has been filed or recorded under this section,
18 any parcel depicted in the plat that is acquired required for a project by conveyance
19 or eminent domain proceedings shall be described as follows:

20 Parcel (number) of transportation project plat (project number), recorded
21 in volume (number) of transportation project plats, page (number), ~~on~~
22 (date), (county name) register of deeds, and located in (quarter section, section,
23 township and range; recorded private claim; or federal reservation) as document
24 (number), recorded in (county name), Wisconsin.

25 **SECTION 21.** 84.095 (7) (c) of the statutes is amended to read:

