

2005 DRAFTING REQUEST

Bill

Received: **04/18/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Plats

Instructions:

lrb 0845/p3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 04/18/2005	lkunkel 04/21/2005		_____			S&L
/1	phurley 11/07/2005	lkunkel 11/08/2005	chaugen 04/22/2005	_____	lnorthro 04/22/2005		S&L
/2			jfrantze 11/09/2005	_____	lnorthro 11/09/2005	mbarman 01/03/2006	

FE Sent For:

<END>

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1/2 lmk 1/8

[Handwritten signatures and initials]
11/9
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/?	phurley	1/mk 4/21	Ch 4-22	Ch 4-22 Dob			

FE Sent For:

<END>

Other

2821/1

2005 - 2006 LEGISLATURE

LRB-0845/P3
PJH:lmk&jld/rs
Keep

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4-18-05

ReGen

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

This is a preliminary draft. An analysis will be provided in a later version.

Insert A

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

8 SECTION 1. 84.095 (1) (a) of the statutes is amended to read:
 9 84.095 (1) (a) "Parcel" means one or more pieces of land, or interests or rights
 10 in land, under the same ownership or control to be acquired or disposed of for a
 11 project and depicted on a plat.

SECTION 2

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

2 84.095 (1) (c) "Plat" means a map that is prepared for a project, or a part of a
3 project, and that consists of a single sheet. The plat shall consist of a single sheet or
4 a detail and a title sheet.

5 **SECTION 3.** 84.095 (1) (f) of the statutes is repealed and recreated to read:

6 84.095 (1) (f) "Title sheet" means a sheet that includes, but is not limited to,
7 limits of the project, location map, and identification of plat symbols and
8 abbreviations.

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

10 84.095 (2) (a) The department, or a city, village, town, or county, may submit
11 any order or resolution relating to a project in the form of a plat for filing or recording
12 in the office of the register of deeds in the county in which the parcel is located. The
13 plat may include a separate title sheet and shall be filed or recorded within 20 days
14 after the plat is signed under sub. (4) (a) 4. The register of deeds shall file or record
15 any plat submitted under this subsection as a transportation project plat. A project
16 authorized by an order or resolution may be described in more than one plat.
17 Whenever a project is described in more than one plat, each plat may be submitted
18 separately for filing or recording.

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

20 84.095 (2) (b) 1. Plats filed or recorded under this section are for parcel or right
21 of way delineation purposes only and do not effect a transfer or encumbrance of any
22 title to real or personal property.

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

24 84.095 (3) (b) Corrections to a plat may be made only by the entity that
25 prepared or submitted the plat for filing or recording and only if the correction does

1 not affect the interests or rights ~~to be acquired~~ required. Corrections to a plat shall
2 be made by filing or recording with the register of deeds an affidavit of correction that
3 identifies the affected plat and states the defect in or change to the plat along with
4 the correct information. An affidavit of correction may not be used to reconfigure
5 parcels or rights and interests required for the project. Affidavits of correction may
6 be used to correct distances, angles, directions, bearings, chords, lot and block
7 numbers, street names, or other scrivener errors. The register of deeds shall make
8 suitable notations on the plat to which the affidavit refers. The record of the affidavit
9 of correction, or a certified copy of the record, is prima facie evidence of the facts
10 stated in the affidavit.

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

12 84.095 (4) (a) 1. An official order or resolution of the department, city, village,
13 town or county authorizing the project. If the plat is to be used only to delineate
14 existing highway right-of-way, the plat must refer to a resolution or revised
15 relocation order from a previous project. If a recorded or revised relocation order does
16 not exist, the department may establish right-of-way.

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

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

19 84.095 (4) (a) 7. The coordinate reference, ~~if applicable~~ and datum.

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

21 84.095 (4) (a) 9. (intro.) The delineation of each parcel. For each parcel, a
22 ~~complete~~ description of the following shall be included:

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

24 84.095 (4) (a) 9. b. The right, title or interest in land ~~to be acquired~~ required.

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

1 84.095 (4) (a) 9. c. The area of the parcel required.

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

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

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

5 84.095 (4) (b) 3. The location of the highway reference line by bearing and
6 distance from a boundary line of a section, ~~if known~~, or from a recorded private claim
7 or federal reservation.

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

9 84.095 (4) (d) The requirements under this section and in Wisconsin
10 Administrative Code AE-7.08, entitled "U.S. public land survey monument record"
11 in effect on January 1, 2004, contain all of the requirements for a transportation
12 project plat.

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

14 84.095 (6) (title) PLAT DIMENSIONS AND PAPER MEDIA.

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

16 84.095 (6) (a) No plat may be filed or recorded in the office of a register of deeds
17 unless the plat has a ~~binding margin of 1.5 inches wide and a one-inch margin on~~
18 ~~all other sides, and is printed on muslin-backed white paper that is produced on any~~
19 material that is capable of clearly legible reproduction or other media that is
20 acceptable to the register of deeds. The dimensions of the plat shall be 22 inches wide
21 by 30 inches long with nonfading black image or reproduced with photographic silver
22 haloid image on double matt polyester film of not less than 4 mil thickness. Larger
23 plats may be used if acceptable to the register of deeds and agreeable to the agency
24 who submitted the plat. A plat that is submitted for filing or recording shall contain

1 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of
2 deeds.

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

4 84.095 (7) (title) DESCRIPTION FOR PARCELS AND REMAINDER INTERESTS REMNANT
5 PARCELS.

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

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

10 Parcel (number) of transportation project plat (project number), recorded
11 in volume (number) of transportation project plats, page (number), on
12 (date), (county name) register of deeds, and located in (quarter section, section,
13 township and range; recorded private claim; or federal reservation).

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

15 84.095 (7) (c) Subsequent conveyances, mortgages, and other instruments
16 ~~concerning a remainder interest~~ affecting title to an adjoining parcel of land and its
17 associated rights or interests may refer to the parcel description in par. (a) as an
18 exception to the conveyance.

19 **SECTION 22.** 84.095 (7) (d) of the statutes is created to read:

20 84.095 (7) (d) The plat may be used to depict remnant parcels to be disposed
21 of or to delineate existing highway right-of-way.

22 **SECTION 23.** 84.095 (8) (b) of the statutes is amended to read:

23 84.095 (8) (b) Within 3 working days after the date on which a plat is submitted
24 for recording under this section, the register of deeds shall assign a document
25 number and volume and page of recording for the plat and, ~~if the person submits with~~

1 ~~the plat a properly addressed postcard for which postage had been paid, the register~~
2 ~~of deeds shall provide written notice of such~~ the recording information to the person
3 ~~who~~ agency that submitted the plat.

4 **SECTION 24.** 84.095 (8m) of the statutes is created to read:

5 84.095 **(8m)** SURPLUS PARCELS. The department may not divide a surplus parcel,
6 as defined by the department, under this section.

7 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2821/?ins
PJH:.....

INSERT A:

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 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.

2

by 11/21

↑
↑
says

2005 BILL

11-7

soon

ReEm

✓

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BILL

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.

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

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18 or federal reservation.

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BILL

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

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

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

strike Parcel (number) of transportation project plat (project number), recorded in volume (number) of transportation project plats, page (number) ^{plain} on (date), (county name) register of deeds, and located in (quarter section, section, township and range; recorded private claim; or federal reservation).

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

as document
(number), recorded in
(county name), Wisconsin

Basford, Sarah

From: Emerson, James
Sent: Tuesday, January 03, 2006 10:16 AM
To: LRB.Legal
Subject: Draft review: LRB 05-2821/2 Topic: Plats

It has been requested by <Emerson, James> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-2821/2 Topic: Plats