



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 626	Senate Amendment 1
<i>Memo published:</i> April 15, 2010	<i>Contact:</i> Melissa Schmidt, Staff Attorney (266-2298) Ronald Sklansky, Senior Staff Attorney (266-1946)

Conformity of Preliminary and Final Plats

Under current law, a final plat may, if permitted by the approving authority, constitute only a portion of an approved preliminary plat that the subdivider intends to record at that time.

Senate Bill 626 allows a final plat that is a portion of an approved preliminary plat to be submitted without the permission of the approving authority and provides that the final plat is entitled to approval if all of the following occur:

- The preliminary plat identified phases of the development.
- The portion of the final plat being submitted substantially conforms to the preliminary plat as approved.

Senate Amendment 1 removes these provisions of the bill.

Construction of Plats in Phases

Senate Amendment 1 clarifies that a subdivider may elect to construct the project in phases, if the governing body approves. The amendment also states that the governing body's approval may not be unreasonably withheld.

Register of Deeds

Under current law, a subdivider must record a final plat in the office of the Register of Deeds in the county in which the subdivision is located. *Senate Bill 626* allows a final plat to be recorded in whole or in part. *Senate Amendment 1* removes this provision of the bill.

Local Ordinances

Senate Bill 626 allows an approving authority and a subdivider to agree to waive or vary requirements of a local ordinance. The bill also allows the parties to agree as to the application of ordinances that are enacted by the approving authority after the preliminary plat (or final plat if there is no preliminary plat) is submitted. Agreements to waive or vary requirements would have to be entered into freely and voluntarily.

Senate Amendment 1 removes these provisions of the bill.

Legislative History

On April 15, 2010, the Senate Committee on Ethics Reform and Government Operations adopted Senate Amendment 1 to Senate Bill 626 and recommended passage of the bill, as amended, both on votes of Ayes, 5; Noes, 0.

MS:RS:ty:jb;wu