

No. 590, A.]

[Published July 14, 1917.

CHAPTER 643

AN ACT to create paragraphs (c) and (d) of subsection 1 of section 1317m—3, paragraph (d) of subsection 1 of section 1317m—4, and subsections 1b, 1c, 1d, 1e, and 1f of section 1317m—5, relating to the duties of county boards in selecting systems of prospective county highways and to such highways in cities and villages.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Two new paragraphs are added to subsection 1 of section 1317m—3, one new paragraph is added to subsection 1 of section 1317m—4, and five new subsections are added to section 1317m—5 of the statutes to read: (Section 1317m—3. 1) (c) Each county board shall at a regular or special session, held before December 31, 1917, add to its county system of prospective state highways such roads and streets in all incorporated cities as directly connect the ends of roads then on said system in the county, and such streets when so added, with the approval of the state highway commission shall become a part of the county system of prospective state highways eligible to improvement under the terms of sections 1317m—1 to 1317m—15, inclusive, of the statutes. Each city clerk shall, after the passage and publication of this act, file with the county clerk of his county three plats of the city showing distinctly marked thereon all principal streets and roads of the city. When the prospective system of county highways for said city shall have been laid out and approved in accordance with the provisions of this paragraph, the county clerk shall file one copy of the plat with the city clerk, one with the state highway commission, and one with the county highway commissioner.

(d) Only such portions of the county system of prospective state highways lying in cities shall be eligible to improvement as shall at the time funds are appropriated for their improvement by the city council or the county board have an average valuation of less than ten dollars per front foot for the lots of one hundred and twenty feet in depth on each side. The valuation to be used in estimating the value per front foot shall be the city valuation and the average shall be taken of whole blocks or where no blocks are laid out for unit distances of three hundred and fifty feet. Where lots are less than one hundred and twenty feet in depth they shall be figured at their actual assessed value per front foot. In no case shall an improvement

be made in any city under the provisions of sections 1317m—1 to 1317m—15, inclusive, which shall extend from the city limits a distance greater than one mile toward the center of the city. In counties having a population of one hundred and fifty thousand or more such portions of the said system in cities shall be eligible for improvement as shall have an average value per front foot, determined in accordance with the provisions of this paragraph, of not to exceed twenty dollars.

(Section 1317m—4. 1) (d) In any county, the county board of which has not determined to construct exclusively under the provisions of subsections 1 and 1a of section 1317m—5, the city council may, by majority vote, appropriate, in addition to all other taxes, a special tax of not less than one thousand dollars and not more than five thousand dollars for the improvement of a portion or portions of the prospective system of state highways lying within the city and shall petition the county board for county and state aid in accordance with the provisions of subsection 4 of section 1317m—4 of the statutes. Within the limitations defined in paragraph (d) of subsection 1 of section 1317m—3, the mayors, city councils, city clerks, and city treasurers shall have all the powers and duties assigned to similar officers in the towns in accordance with the provisions of sections 1317m—1 to 1317m—15, inclusive, of the statutes.

(Section 1317m—5) 1b. Whenever a city, in accordance with paragraph (d) of subsection 1 of section 1317m—4, or the county in accordance with the provisions of subsections 1 and 1a of this section, or the state, in accordance with the provisions of sections 1312 to 1317, inclusive, shall have determined to improve a portion of the county system of prospective state highways lying in a city and the funds from the city, county and state are available, the city may determine to improve the portion of the street designated for improvement to a greater width than eighteen feet. In such case the city may determine the type of improvement, the width and all other features of the construction; provided, however, that the plans, contract and specifications therefor shall be approved by the county state road and bridge committee and the state highway commission and the amount per linear unit of said improvement to be paid out of said funds available in the county treasury shall be determined by them. The city shall then proceed to improve such street in the manner provided by law for the improvement of streets in such city. All work done under the provisions of this subsection shall be

performed under the direct supervision of the city, subject to the inspection of the county highway commissioner and the state highway commission.

1c. The funds available under the provisions of sections 1317m—1 to 1317m—15, inclusive, to carry out the provisions of subdivisions (c) and (d) of subsection 1 of section 1317m—3, subdivision (d) of subsection 1 of section 1317m—4, and subsection 1b of this section shall, upon the satisfactory completion of the work, be paid to the contractor out of the county treasury upon order of the county state road and bridge committee; but in no case shall such payment from the county treasury exceed the cost of eighteen feet of width of the pavement plus the public's proportionate share of the grading, draining and appertaining structures, which share shall be determined by dividing the whole cost of these items by the width of the pavement and multiplying the quotient by eighteen. The balance of the funds necessary to complete the payment for improvements made under subsection 1b of this section shall be met by the city in the manner provided by law for the payment for the improvement of streets in said city. Assessment of benefits may be made by a city against abutting property in all cases where the improvement is made under the provisions of sections 1317m—1 to 1317—15, inclusive, or of sections 1312 to 1317, inclusive, in the same manner as provided by law for the assessment of benefits in such city in cases where the improvement is done solely under the authority of the city and a portion or all of the funds secured thereby may be paid into the city treasury to reimburse the general funds of said city to the extent of moneys appropriated under paragraph (d) of subsection 1 of section 1317m—4; provided that such assessment of benefits shall not exceed the difference between the cost of the improvement and the amount of funds available therefor from the county and state.

1d. Whenever contiguous portions of prospective state highways lying within and without the corporate limits of any city are to be improved in the same year and the council of any city, the county state road and bridge committee, and the state highway commission shall determine that it will be of advantage to let the portions so to be improved in a single contract, the county state road and bridge committee shall let a contract for the construction of the whole improvement and shall apportion the part of such contract price to be borne by the state, county, and municipality for the portion of the highway outside of the cor-

porate limits of such city and the part to be borne by the state, county, and city for the portion within the corporate limits of such city.

1e. Whenever it has been determined in accordance with the provisions of sections 1317m—1 to 1317m—15, inclusive, or of sections 1312 to 1317, inclusive, to improve a road or street in any village, the village board may determine to improve at the same time an additional width of pavement and pay for the same either out of the general funds of the village or to assess a part or all of the cost of the widening to the abutting property, in general accordance with the provisions of sections 905, 905m, 906, 907, and 908 of the statutes. The village board may by resolution, determine in what manner any taxes or assessments against the abutting property shall be paid and whether they shall be paid in one, three, or five years, and shall determine the rate of interest to be paid on deferred payments, if any. It shall be legal to make a joint contract covering the whole work, executed between the proper state, county, and village officials and the contractor, and the general procedure in regard to such improvements shall be the same as if the improvement had been initiated in accordance with the herein named sections, except that the amounts due on the portion of the work paid for by the state, county, or village funds shall be paid out of the county or state treasury and shall be supervised by the proper state and county officials. The provisions of this subsection shall apply to improvements in villages heretofore made or contemplated to be made in all cases where procedure has been taken substantially in accordance with the provisions of this subsection.

1f. Streets and roads, heretofore or hereafter built in any city under the provisions of sections 1317m—1 to 1317m—15, inclusive, shall be maintained by and entirely at the expense of the city in which they may lie.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 12, 1917.