

No. 567, A.]

[Published August 3, 1929.]

**CHAPTER 353.**

AN ACT to create section 62.075 of the statutes, relating to detachment of certain territory from cities of the fourth class and annexation thereof to towns.

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

**SECTION 1.** A new section is added to the statutes to read:  
**62.075 (1)** When land used for agricultural purposes of an area of two hundred acres or more contiguous to the boundary of any city of the fourth class, whether of one or more farms, which shall have been within the corporate limits of such city for twenty years or more, and during all of said time shall have been used for agricultural purposes, the circuit court of the county in which such land is situated shall enter judgment detaching such land from such city and annexing it to an adjoining town or towns, and such detachment and annexation thereof shall become effective for all purposes on the first day of January next thereafter; and the procedure therefor shall be substantially as provided in subsections (2) and (3).

(2) When the owner or owners of more than one-half of such area shall file a verified petition in the office of the clerk of said court, setting forth the facts in accordance with subsection (1) of this section, the court shall make an order fixing the time of hearing thereof, which shall not be less than sixty nor more than ninety days thereafter; and at least forty days prior to said time fixed, notice of hearing of such petition shall be served on such city, town or towns and all owners found in this state of any land in such area, in the manner provided by sections 262.08 and 262.09 for the service of summons, and shall be served on all owners not found in this state of any such land and on all other persons interested in such lands, by publication of such notice once a week for three successive weeks in such newspaper as the court shall in such order designate, the first publication to be within fifteen days after such order. Said notice shall be in substantially the following form:

Notice is hereby given that the petition of.....  
 will be heard by the circuit court of.....county, at  
 the courthouse, in the city of....., Wisconsin,  
 on the.....day of....., 19....., at.....M. or as

soon thereafter as counsel can be heard. That said petition prays for the detachment of the following area of land from the city of ..... and annexation thereof to the town of ....., in accordance with section 62.075 of the Wisconsin statutes, which area of land is described as follows: .....

Dated .....

Petitioner's Attorney.

P. O. Address.....

(3) Such city, town or towns, owners of land in such area, or owners of any interest therein, if opposed to said proceedings, shall at least fifteen days before the time of hearing fixed by said order file in the office of said clerk of court and serve on the petitioners their verified objections to the granting of the prayer of the petition, specifying the grounds of objection thereto. Said proceedings may be adjourned or continued for cause. If there be no objections served and filed, the prayer of the petition shall be granted. The issue raised by such objections to the petition shall be tried by the court upon the evidence submitted by the petitioner and objectors; and witnesses shall be compelled to appear and testify as in other cases in said court and the rules of evidence, practice and procedure shall be the same. The court shall render judgment in accordance with subsection (1) of this section, detaching from such city and annexing to such town or towns such area of land or any part thereof of two hundred acres or more, if the facts required by said subsection be proved by a preponderance of the evidence; as to any land that such facts be not so proved, the petition shall be dismissed. Costs may be awarded to the successful party. Any person aggrieved by the final judgment may have a bill of exceptions served, settled and signed according to the statutes and rules of court; and may appeal to the supreme court from such judgment within six months after service of notice of entry thereof by serving a notice of appeal and undertaking in the form and manner provided by sections 274.11 to 274.16.

(4) A certified copy of every such order shall be filed with the town and city clerk, also with the county clerk and secretary of state.

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

Approved August 2, 1929.