

State of Wisconsin



1997 Assembly Bill 672

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1997 WISCONSIN ACT 282

AN ACT to amend 32.05 (1) (a), 32.05 (7) (a), 59.43 (1) (d), 59.43 (8), 83.08 (1), 84.09 (1) and 114.33 (6); and to create 59.43 (2) (k), 59.43 (5) (b) 4., 84.095 and 236.015 of the statutes; relating to: transportation project plats.

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

SECTION 1. 32.05 (1) (a) of the statutes is amended to read:

32.05 (1) (a) Except as provided under par. (b), the county board of supervisors (or the county highway committee when so authorized by the board), city council, village board, town board, sewerage commission governing metropolitan sewerage district created by ss. 66.22 or 66.88 to 66.918, secretary of transportation, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404, local exposition district created under subch. II of ch. 229, redevelopment authority under s. 66.431 or community development authority under s. 66.4325 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, mass transit facilities, airport, or other transportation facilities, gas or leachate extraction systems to remedy environmental pollution from a solid waste disposal facility, housing project, redevelopment project, exposition center or exposition center facilities which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located or, in

lieu of filing a copy of the order, a plat may be filed or recorded in accordance with s. 84.095.

SECTION 2. 32.05 (7) (a) of the statutes is amended to read:

32.05 (7) (a) The award shall be in writing. ~~It~~ Except as provided in sub. (1) (b), the award shall state that it is made pursuant to relocation order of (name of commission, authority, board or council having jurisdiction to make the improvement) No. dated filed in the office of the County Clerk, County of, ~~except as provided under sub. (1) (b) or pursuant to transportation project plat no. dated filed or recorded in the office of register of deeds, County.~~ If a relocation order is not required under sub. (1) (b), the award shall name the condemnor. It shall name all persons having an interest of record in the property taken and may name the other persons. It shall describe such property by legal description, or by the parcel number shown on a plat filed or recorded under s. 84.095, and state the interest therein sought to be condemned and the date when actual occupancy of the property condemned will be taken by condemnor. The award shall also state the compensation for the taking which shall be an amount at least equal to the amount of the jurisdictional offer. The award shall state that the condemnor has complied with all jurisdictional requirements. An amended award for the purpose of correcting errors wherein the award as recorded differs from

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

the jurisdictional offer may be made, served and recorded as provided by this section.

SECTION 3. 59.43 (1) (d) of the statutes is amended to read:

59.43 (1) (d) Keep the books and indexes mentioned in this section and in s. 84.095 in the manner required.

SECTION 4. 59.43 (2) (k) of the statutes is created to read:

59.43 (2) (k) For recording a transportation project plat under s. 84.095, \$25.

SECTION 5. 59.43 (5) (b) 4. of the statutes is created to read:

59.43 (5) (b) 4. A transportation project plat that conforms to s. 84.095.

SECTION 6. 59.43 (8) of the statutes is amended to read:

59.43 (8) **REQUIRED SIGNATURE AND SEAL ON SURVEY DOCUMENT FOR FILING OR RECORDING.** It is unlawful for the register of deeds of any county or any proper public authority to file or record a map, plat, survey or other document within the definition of land surveying, which does not have impressed thereon, and affixed thereto, the personal signature and seal of a registered land surveyor under whose responsible charge the map, plat, survey or other document was prepared. This subsection does not apply to any deed, contract or other recordable document prepared by an attorney, or to a transportation project plat that conforms to s. 84.095 and that is prepared by a state agency.

SECTION 7. 83.08 (1) of the statutes is amended to read:

83.08 (1) The county highway committee may acquire by gift, devise, purchase or condemnation any lands or interests therein for the proper improvement, maintenance, relocation or change of any county aid or other highway or street or any bridge thereon which the county is empowered to improve or aid in improving or to maintain. The county highway committee may purchase or accept donation of remnants of tracts or parcels of land remaining at the time or after it has acquired portions of such tracts or parcels by purchase or condemnation where in the judgment of such committee such action would assist in rendering just compensation to a land owner, a part of whose lands have been taken for highway purposes, and would serve to minimize the overall cost of such taking by the public. Whenever the committee deems it necessary to acquire any such lands or interests therein for any such purpose, it shall so order and in such order or on a map or plat show the old and new locations and the lands or interests required, and shall file a copy of the order and map with the county clerk or, in lieu of filing a copy of the order and map, may file or record a plat in accordance with s. 84.095. The committee shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, at a price, including damages, deemed reasonable by the commit-

tee. The instrument of conveyance shall name the county as grantee and shall be filed with the county clerk and recorded in the office of the register of deeds.

SECTION 8. 84.09 (1) of the statutes is amended to read:

84.09 (1) The department may acquire by gift, devise, purchase or condemnation any lands for establishing, laying out, widening, enlarging, extending, constructing, reconstructing, improving and maintaining highways and other transportation related facilities, or interests in lands in and about and along and leading to any or all of the same; and after establishment, layout and completion of such improvements, the department may convey such lands thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such lands so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works. Whenever the department deems it necessary to acquire any such lands or interests therein for any transportation related purpose, it shall so order and in such order or on a map or plat show the old and new locations and the lands and interests required, and shall file a copy of the order and map with the county clerk and county highway committee of each county in which such lands or interests are required or, in lieu of filing a copy of the order and map, may file or record a plat in accordance with s. 84.095. For the purposes of this section the department may acquire private or public lands or interests in such lands. When so provided in the department's order, such land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the department shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, deemed reasonable by the department. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests therein under this section is excepted and exempt from s. 20.914 (1). The department may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after it has acquired portions of such tracts or parcels by purchase or condemnation for transportation purposes where in the judgment of the department such action would assist in making whole the landowner, a part of whose lands have been taken for transportation purposes and would serve to minimize the overall costs of such taking by the public.

SECTION 9. 84.095 of the statutes is created to read:
84.095 Transportation project plats. (1) **DEFINITIONS.** In this section:

(a) "Parcel" means one or more pieces of land, or interests or rights in land, under the same ownership or control to be acquired for a project and depicted on a plat.

(b) "Parcel number" means a unique number assigned to each parcel depicted on a plat.

(c) “Plat” means a map that is prepared for a project, or a part of a project, and that consists of a single sheet.

(d) “Project” means a public transportation or transportation–related improvement project.

(e) “Project number” means a unique number assigned to the project by the department or the city, village, town or county that is undertaking the project.

(f) “Remainder interest” means land, or an interest or right in land, that is not to be acquired for a project, but that is under the ownership or control of a person who owns or controls a parcel.

(2) FILING OR RECORDING PLATS. (a) The department, or a city, village, town or county, may submit any order or resolution relating to a project in the form of a plat for filing or recording in the office of the register of deeds in the county in which the parcel is located. The plat shall be filed or recorded within 20 days after the plat is signed under sub. (4) (a) 4. The register of deeds shall file or record any plat submitted under this subsection as a transportation project plat. A project authorized by an order or resolution may be described in more than one plat. Whenever a project is described in more than one plat, each plat may be submitted separately for filing or recording.

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

2. Submitting a plat for filing or recording under this section satisfies the requirements of ss. 32.05 (1), 83.08 (1), 84.09 (1) and 114.33 (6) with respect to filing with the county clerk or county highway committee any orders, resolutions, maps or plats for a project.

(3) AMENDING AND CORRECTING PLATS. (a) An order, resolution or plat filed or recorded under this section may be amended or vacated only by the entity that submitted the order, resolution or plat for filing or recording. Any amendment or vacation of an order, resolution or plat filed or recorded under this section may be filed or recorded. The office of the register of deeds shall make suitable notations on the plat affected by an amendment or vacation that is filed or recorded. The register of deeds shall number any amendments to a plat consecutively in the order filed or recorded and shall describe each amendment as follows:

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

(b) Corrections to a plat may be made only by the entity that submitted the plat for filing or recording and only if the correction does not affect the interests or rights to be acquired. Corrections to a plat shall be made by filing

or recording with the register of deeds an affidavit of correction that identifies the affected plat and states the defect in or change to the plat along with the correct information. The register of deeds shall make suitable notations on the plat to which the affidavit refers. The record of the affidavit of correction, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit.

(4) PLAT DETAIL AND FORMAT. (a) No plat may be filed or recorded in any office of a register of deeds unless the plat includes a certification that it contains all of the following, either as part of the drawing or written elsewhere on the plat:

1. An official order or resolution of the department, city, village, town or county authorizing the project.
 2. The project number.
 3. The plat number, the date on which the plat was prepared and the signature of the person under whose direction the plat was prepared.
 4. The signature of the person authorized by the department or the city, village, town or county to sign the plat.
 5. A scale, north arrow and basis of reference.
 6. The metric conversion factor, if applicable.
 7. The coordinate reference, if applicable.
 8. The existing and new locations of the transportation facility.
 9. The delineation of each parcel. For each parcel, a complete description of the following shall be included:
 - a. The parcel number.
 - b. The right, title or interest in land to be acquired.
 - c. The name of the owner of record.
 - d. The approximate area of the parcel.
 10. The approximate area of each remainder interest.
 11. Reference to platted land surveys or other surveys of record and the locations of known monuments established for such surveys.
 12. The locations of known public land survey monuments.
- (b) In addition to the information required under par. (a), a plat for a highway project shall include the following:
1. The designation of the highway and any adjacent or intersecting streets or highways by name, number or letter.
 2. A description of the reference line for the highway by bearing and distance.
 3. The location of the highway reference line by bearing and distance from a boundary line of a section, if known, or from a recorded private claim or federal reservation.
 4. A description of the highway right-of-way boundaries by bearing and distance.
 5. The locations of existing reference lines and right-of-way lines.

(c) Notwithstanding its depiction on a plat, the boundary of a parcel extends to the boundary of the adjoining property parcel or body of water.

(5) **SURVEYOR'S CERTIFICATE.** A plat prepared for filing or recording under this section shall include a certificate of a land surveyor registered under s. 443.06 that the plat is a correct representation of the project described and that the identification and location of each parcel can be determined from the plat. This subsection does not apply to plats prepared by the department.

(6) **PLAT DIMENSIONS AND PAPER.** (a) No plat may be filed or recorded in the office of a register of deeds unless the plat has a binding margin of 1.5 inches wide and a one-inch margin on all other sides, and is printed on muslin-backed white paper that is 22 inches wide by 30 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness. A plat that is submitted for filing or recording shall contain a blank space at least 2.5 inches by 2.5 inches in size for use by the register of deeds.

(b) The requirements of s. 59.43 (2m) do not apply to plats submitted under this section.

(7) **DESCRIPTION FOR PARCELS AND REMAINDER INTERESTS.** (a) Whenever a plat has been filed or recorded under this section, any parcel depicted in the plat that is acquired for a project by conveyance or eminent domain proceedings shall be described as follows:

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

(b) A description under par. (a) is a sufficient legal description for purposes of s. 32.05 or 706.05 (2m) (a).

(c) Subsequent conveyances, mortgages and other instruments concerning a remainder interest may refer to the parcel description in par. (a) as an exception to the conveyance.

(8) **INDEXING OF PLATS.** (a) The register of deeds shall index plats filed or recorded under this section in the manner described in s. 59.43 (12m), whether or not the county board has enacted an ordinance requiring such an index.

(b) Within 3 working days after the date on which a plat is submitted for recording under this section, the register of deeds shall assign a document number and volume and page of recording for the plat and, if the person submits with the plat a properly addressed postcard for which postage had been paid, shall provide written notice of such information to the person who submitted the plat.

(9) **LOCAL REVIEW.** No state agency, city, village, town or county may require the review or approval of a plat as a condition of filing or recording the plat if the plat is prepared in accordance with this section.

SECTION 10. 114.33 (6) of the statutes is amended to read:

114.33 (6) For the purposes of carrying out this section and ss. 114.35 and 114.37, the secretary may acquire by gift, devise, purchase or condemnation any lands for establishing, protecting, laying out, enlarging, extending, constructing, reconstructing, improving and maintaining airports, or interests in lands in and about airports, and after establishment, layout and completion of such improvements, the secretary may convey as provided in this subsection lands thus acquired and not necessary for airport improvements, with reservations concerning the future use and occupation of those lands so as to protect the airports and improvements and their environs and to preserve the view, appearance, light, air and usefulness of the airports. Whenever the secretary deems it necessary to acquire any lands or interests in lands for any of those purposes, the secretary shall so order and in the order, or on a map or plat, show the lands and interests required. The secretary shall file a copy of the order and map with the county clerk of each county in which the lands or interests are required or, in lieu of filing a copy of the order and map, may file or record a plat in accordance with s. 84.095. For the purposes of this section the secretary may acquire private or public lands or interests therein. When so provided in the secretary's order, the land shall be acquired in fee simple. Unless the secretary elects to proceed under sub. (3), the secretary shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required at a price, including any damages, deemed reasonable by the secretary. The instrument of conveyance shall name the state as grantee and shall be recorded in the office of the register of deeds. The purchase or acquisition of lands or interests therein under this section is excepted and exempt from s. 20.914 (1). The secretary may purchase or accept donations of remnants of tracts or parcels of land existing at the time or after the secretary has acquired portions of tracts or parcels, by purchase or condemnation for airport purposes, where in the judgment of the secretary such action would assist in making whole the land owner, a part of whose lands have been taken for airport purposes and would serve to minimize the overall cost of such taking by the public.

SECTION 11. 236.015 of the statutes is created to read:
236.015 Applicability of chapter. This chapter does not apply to transportation project plats that conform to s. 84.095.