



1997 ASSEMBLY BILL 253

April 3, 1997 - Introduced by Representatives POWERS, HANSON, MUSSER, HAHN, ALBERS, TRAVIS, OLSEN, OTT, OWENS, HANDRICK, F. LASEE, LADWIG, BRANDEMUEHL, SCHNEIDER, VRAKAS, GOETSCH, GROTHMAN, MEYER, FREESE, URBAN, KAUFERT, RYBA, BAUMGART, HUEBSCH, SYKORA, KEDZIE, JOHNSRUD, KELSO, HASENOHRL, ZUKOWSKI and SKINDRUD, cosponsored by Senators WELCH, RUDE, RISSER, FARROW and DRZEWIECKI, by request of Wisconsin Society of Land Surveyors. Referred to Committee on Land Use.

1 **AN ACT to renumber** 70.27 (3); **to amend** 70.27 (4) and 236.34 (1) (intro.); and
2 **to create** 70.27 (3) (b) of the statutes; **relating to:** dividing land within an
3 assessor's plat by subdivision plat or certified survey map.

Analysis by the Legislative Reference Bureau

Under current law, the governing body of a municipality may order that an assessor's plat be made of a particular area of land under its jurisdiction under certain specified circumstances, such as if the area of land is owned by 2 or more persons and the description of the land cannot be made sufficiently certain for tax or assessment purposes. Current law provides that an assessor's plat may be amended by the governing body of the municipality by recording with the register of deeds a plat of the area within the original assessor's plat that is affected by the amendment.

Another statute under current law provides that any division of land into 5 or more parcels that are each 1.5 acres or less in area for the purpose of sale or building development must be surveyed and a map of the subdivision (subdivision plat) recorded. Another statute provides that a certified survey map may be used to change the boundaries of parcels of land within another certified survey map or within a subdivision plat. This bill provides that a subdivision plat or a certified survey map may be used to change the boundaries of parcels of land within an assessor's plat. The bill also provides that if an assessor's plat is divided by a subdivision plat or a certified survey map, the resulting lands are described for all purposes with reference to the subdivision plat or the certified survey map, rather than with reference to the assessor's plat.

ASSEMBLY BILL 253

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 70.27 (3) of the statutes is renumbered 70.27 (3) (a).

2 **SECTION 2.** 70.27 (3) (b) of the statutes is created to read:

3 70.27 (3) (b) Notwithstanding par. (a), lands within an assessor's plat that are
4 divided by a subdivision plat that is prepared, approved and recorded in compliance
5 with ch. 236 or a certified survey map that is prepared and recorded in compliance
6 with s. 236.34 shall be described for all purposes with reference to the subdivision
7 plat or certified survey map, as provided in ss. 236.28 and 236.34 (3).

8 **SECTION 3.** 70.27 (4) of the statutes is amended to read:

9 70.27 (4) AMENDMENTS. Amendments or corrections to an assessor's plat may
10 be made at any time by the governing body by recording with the register of deeds
11 a plat of the area affected by such amendment or correction, made and authenticated
12 as provided by this section. It shall not be necessary to refer to any amendment of
13 the plat, but all assessments or instruments wherein any parcel of land is described
14 as being in an assessor's plat, shall be construed to mean the assessor's plat of lands
15 with its amendments or corrections as it stood on the date of making such assessment
16 or instrument, or such plats may be identified by number. This subsection does not
17 prohibit the division of lands that are included in an assessor's plat by subdivision
18 plat, as provided in s. 236.03, or by certified survey map, as provided in s. 236.34.

19 **SECTION 4.** 236.34 (1) (intro.) of the statutes is amended to read:

20 236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4
21 parcels of land may be recorded in the office of the register of deeds of the county in

ASSEMBLY BILL 253

1 which the land is situated. A certified survey map may be used to change the
2 boundaries of lots and outlots within a recorded plat, recorded assessor's plat under
3 s. 70.27 or recorded, certified survey map if the redivision does not result in a
4 subdivision or violate a local subdivision regulation. A certified survey map may not
5 alter the exterior boundary of a recorded plat, a recorded assessor's plat, areas
6 previously dedicated to the public or a restriction placed on the platted land by
7 covenant, by grant of an easement or by any other manner. A certified survey must
8 meet the following requirements:

9 **(END)**