

No. 487, S.]

[Published August 27, 1947.]

CHAPTER 581.

AN ACT to amend 32.01, 32.07 (2), 66.40 (10) and (24); and to create 32.02 (9) of the statutes, relating to exercise of eminent domain by housing authorities.

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

SECTION 1. 32.01 of the statutes is amended to read:

32.01 In this chapter unless the context or subject matter otherwise requires:

(1) "Person" includes the state, a county, town, village, city, school district or other municipal corporation, a board, commission or corporation, or housing authority created under section 66.40.

(2) "Property" includes estates in lands, fixtures, and personal property directly connected with lands.

SECTION 2. 32.02 (9) of the statutes is created to read:

32.02 (9) Any housing authority created under section 66.40.

SECTION 3. 32.07 (2) of the statutes is amended to read:

32.07 (2) If the application be by a town or county, or by a board, commission * * * public officer or housing authority created under section 66.40; or for the right of way for a railroad or a street or interurban railway up to 100 feet in width, or a telegraph, telephone or electric line, or for easements for the construction of any elevated structure or subway for railroad, street, or interurban railway purposes, the petitioner shall determine the necessity.

SECTION 4. 66.40 (10) and (24) of the statutes are amended to read:

66.40 (10) (a) The authority shall have the right to acquire by eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this section after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to the provisions of chapter 32 or pursuant to any other applicable statutory provisions, now in force or hereafter enacted for the exercise of the power of eminent domain.

(b) At any time at or after the filing for condemnation, and

before the entry of final judgment, the authority may file with the clerk of the court in which the petition is filed, a declaration of taking signed by the duly authorized officer or agent of the authority declaring that all or any part of the property described in the petition is to be taken for the use of the authority * * *. The said declaration of taking shall be sufficient as it sets forth: (1) a description of the property, sufficient for the identification thereof, to which there may be attached a plat or map thereof; (2) a statement of the estate or interest in said property being taken; (3) a statement of the sum of money estimated by the authority to be just compensation for the property taken, which sum shall be not less than the last assessed valuation for tax purposes of the estate or interest in the property to be taken.

(c) From the filing of the said declaration of taking and the deposit in court to the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration, title to the property specified in said declaration shall vest in the authority and said property shall be deemed to be condemned and taken for the use of the authority and the right to just compensation for the same shall vest in the persons entitled thereto. Upon the filing of the declaration of taking the court shall designate a day (not exceeding 30 days after such filing, except upon good cause shown) on which the person in possession shall be required to surrender possession to the authority.

(d) The ultimate amount of compensation shall be vested in the manner provided by law. If the amount so vested shall exceed the amount so deposited in court by the authority, the court shall enter judgment against the authority in the amount of such deficiency together with interest at the rate of 6 per cent per annum on such deficiency from the date of the vesting of title to the date of the entry of the final judgment (subject, however, to abatement for use, income, rents or profits derived from such property by the owner thereof subsequent to the vesting of title in the authority) and the court shall order the authority to deposit the amount of such deficiency in court.

(e) At any time prior to the vesting of title of property in the authority the authority may withdraw or dismiss its petition with respect to any and all of the property therein described.

(f) Upon vesting of title to any property in the authority, all the right, title and interest of all persons having an interest therein or lien thereupon, shall be divested immediately and

such persons thereafter shall be entitled only to receive compensations for such property.

(g) Except as hereinabove provided with reference to the declaration of taking, the proceedings shall be as is or may hereafter be provided by law for condemnation, and the deposit in court of the amount estimated by the authority upon a declaration of taking, shall be disbursed as is or may hereafter be provided by law for an award in condemnation proceedings.

(h) Property already devoted to a public use may be acquired, provided that no property belonging to any city or municipality or to any government may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the commission or other officer or tribunal, if any there be, having regulatory power over such corporation.

(24) When a housing authority shall have * * * *the approval of the council for any project authorized under subsections (9) (a) or (b)*, said authority shall complete and approve plans, specifications and conditions in connection therewith for carrying out such project, and shall then advertise for bids for all work which said authority must do by contract, such advertisements to be published once a week for 2 consecutive weeks in a newspaper of general circulation in the city in which the project is to be developed. The contract shall be awarded to the lowest qualified and competent bidder. Section 66.29 of the statutes shall apply to such bidding.

Approved August 21, 1947.

No. 526, S.]

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CHAPTER 582.

AN ACT to renumber 20.037 to be 20.037 (1) and to create 20.037 (2) of the statutes, relating to the post-war rehabilitation trust fund, and making an appropriation.

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

SECTION 1. 20.037 of the statutes is renumbered to be 20.037 (1).

SECTION 2. 20.037 (2) of the statutes is created to read:
20.037 (2) In addition to the appropriation made by sub-