

No. 295, S.]

[Published July 11, 1957.

CHAPTER 315

AN ACT to create 114.33 (6) to (12) of the statutes, relating to the acquisition of lands for airport projects.

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

114.33 (6) to (12) of the statutes are created to read:

114.33 (6) For the purposes of carrying out the provisions of this section and s. 114.35, the commission 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 commission may convey as hereinafter provided 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 airports and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such airports. Whenever the commission deems it necessary to acquire any such lands or interests therein, for any of such purposes, it shall so order and in such order, or on a map or plat, show the lands and interests required, and shall file a copy of the order and map with the county clerk of each county in which such lands or interests are required. For the purposes of this section the commission may acquire private or public lands or interests therein. When so provided in the commission's order, such land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the commission 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 commission. 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. 20.926. The commission 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 airport purposes, where in the judgment of the commission 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 over-all cost of such taking by the public.

(7) If any of the needed lands or interests therein cannot be purchased expeditiously for a price deemed reasonable by the commission, the commission may acquire the same as provided in s. 84.09 (2) and in which case the state aeronautics commission shall have all the authority accorded the state highway commission under such section.

(8) (a) The commission, upon the petition of the sponsoring municipality, may provide that all or certain parts of the required land or interests therein may be acquired by the municipality named by the commission.

When so provided, the municipality and the commission shall appraise and set the maximum price, including damages, considered reasonable for the lands or interests to be so acquired. The municipality shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, as directed in the commission's order. The instrument of conveyance shall name the municipality or municipalities as grantee and shall be subject to approval by the commission, and shall be recorded in the office of the register of deeds and filed with the commission. If the needed lands or interests therein cannot be purchased expeditiously within the appraised price, the municipality may acquire them by condemnation under ch. 32, or as provided in s. 83.07 (4) and (5) or, subject to approval by the commission, as provided in s. 84.09 (2).

(b) Any property of whatever nature acquired in the name of the municipality pursuant to this section or any predecessor shall be conveyed to the state without charge by the municipality when so ordered by the commission.

(c) The municipality when so ordered by the commission is authorized and empowered to sell and shall sell at public or private sale, subject to such conditions and terms authorized by the commission, any and all buildings, structures, or parts thereof, and any other fixtures or personalty acquired in the name of the municipality under this section or any predecessor. The proceeds from such sale shall be deposited with the state in the appropriate airport fund and the expense incurred in connection with such sale shall be paid from such fund.

(9) The cost of the lands and interests acquired and damages allowed pursuant to this section, expenses incidental thereto and the customary per diem and expenses of the municipality incurred in performing duties pursuant to this section, shall be paid out of the available airport improvement funds.

(10) Subject to the approval of the governor as herein provided, the commission is authorized and empowered to sell at public or private sale property of whatever nature owned by the state and under the jurisdiction of the commission when the commission determines that such property is no longer necessary for the state's use for airport purposes. The commission shall present to the governor a full and complete report of the property to be sold, the reason for the sale, and the minimum price for which the same should be sold, together with an application for the governor's approval of such sale. The governor shall thereupon make such investigation as he deems necessary and approve or disapprove such application. Upon such approval and receipt of the full purchase price, the commission shall by appropriate deed or other instrument transfer the property to the purchaser. The funds derived from such sale shall be deposited in the appropriate airport fund, and the expense incurred by the commission in connection with the sale shall be paid from such fund.

(11) Subject to the approval of the governor the commission is authorized and empowered to convey lands or interests therein acquired pursuant to this section and improvements installed thereon to municipalities named in the commission's order. The conveyance of the lands or interests therein and improvements shall restrict the use of the premises by the municipality to the uses for which they were acquired, except that the lands or interests therein declared by the commission to be excess may be so conveyed without restrictions as to use.

(12) Lands held by any department, board, commission or other agency of the state may, with the approval of the governor, be conveyed to the commission in the manner prescribed by statute and, if none be

prescribed, then by a conveyance authorized by appropriate resolution of the controlling department, board or commission of the agency concerned.

Approved July 3, 1957.
