

State of Wisconsin



1997 Senate Bill 457

Date of enactment: April 9, 1998
Date of publication*: April 23, 1998

1997 WISCONSIN ACT 70

AN ACT to renumber and amend 30.37 (1); and to create 30.37 (7) of the statutes; relating to: lake bed areas owned by Milwaukee County that are used for certain recreational purposes and to Milwaukee County having the duties and powers of a board of harbor commissioners in regard to certain lake bed areas.

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

SECTION 1. 30.37 (1) of the statutes is renumbered 30.37 (1) (a) and amended to read:

30.37 (1) (a) ~~Any~~ Except as provided in par. (b), a municipality situated on a navigable waterway may create a board of harbor commissioners to exercise the powers and perform the duties conferred upon such boards by law, ~~except that a~~.

(b) A county may not create a board of harbor commissioners if there exists an active town, village or city board of harbor commissioners within the county.

SECTION 2. 30.37 (7) of the statutes is created to read:

30.37 (7) MILWAUKEE COUNTY. Milwaukee County, with respect to the land ceded or granted to Milwaukee County as described in 1997 Wisconsin Act ... (this act), section 3, may directly exercise all of the powers and perform all of the duties conferred on a board of harbor commissioners under ss. 30.34, 30.35 and 30.38, but Milwaukee County may not create a board of harbor commissioners if sub. (1) (b) applies. Milwaukee County shall have exclusive jurisdiction over the operation, administration, maintenance, improvement, alteration and repair of any marina facility or marina related anchorage located on this land.

SECTION 3. Nonstatutory provisions.

(1) TITLE GRANTED BY STATE. The state recognizes and confirms that Milwaukee County has been granted all rights and title to, and interest in, the land described in subsection (2) based on the land being ceded and granted as follows:

(a) A portion was granted and ceded by the state to Milwaukee County under chapter 175, laws of 1963.

(b) A portion was granted and ceded by the state to the city of Milwaukee under chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, chapter 608, laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911, chapters 183 and 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of 1921, and chapter 284, laws of 1923, and was subsequently ceded or granted by the city of Milwaukee to Milwaukee County pursuant to the city's authority under chapter 297, laws of 1937.

(c) A portion was granted and ceded by the state to the city of Milwaukee under chapter 206, laws of 1893, as amended by chapter 191, laws of 1897, and under chapter 307, laws of 1921, as amended by chapter 261, laws of 1933, and was subsequently ceded or granted by the city of Milwaukee to Milwaukee County pursuant to the city's authority under chapter 297, laws of 1937.

(2) LEGAL DESCRIPTION. The land to which Milwaukee County has been granted all rights and title to, and

* 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].

interest in, as recognized and confirmed by the state under subsection (1) is described as follows:

(3) That part of all the submerged lands located in that part of the SW-1/4 of the SE-1/4, part of the SE-1/4 of the SE-1/4, and part of the NE-1/4 of the SE-1/4 of Sec. 21; also the SW-1/4 of the NW-1/4, and part of the SE-1/4 of the NW-1/4, and part of the NE-1/4 of the SW-1/4, and part of the SE-1/4 of the SW-1/4, and part of the SW-1/4 of the SW-1/4, and the NW-1/4 of the SW-1/4 all in Sec. 22; part of the NW-1/4 of the NW-1/4 of Sec. 27; also that part of the NE-1/4 of the NE-1/4, and part of the NW-1/4 of the NE-1/4, and part of the SW-1/4 of the NE-1/4 of Sec. 28, all in T. 7 N., R. 22 E. of the 4th principal meridian, Milwaukee County, State of Wisconsin and more particularly described as follows:

(4) Begin at a concrete monument marking the W-1/4 corner of Sec. 22, thence N. 88 degrees 57 minutes 07 seconds E. along the East-West 1/4 line of said section, 15.79 feet to the east line of the Chicago and Northwest Railway right-of-way by agreement dated April 9, 1913; thence N. 71 degrees 35 minutes 21 seconds E. 700.89 feet; thence N. 85 degrees 29 minutes 34 seconds E. 556.56 feet to a point 40 feet westerly and perpendicular to the United States Break Water; thence S. 26 degrees 23 minutes 26 seconds E. parallel with said breakwater, 2365.86 feet; thence S. 17 degrees 47 minutes 56 seconds E. parallel with said breakwater, 71.58 feet; thence S. 00 degrees 35 minutes 56 seconds E. Parallel with said breakwater, 64.25 feet; thence S. 09 degrees 41 minutes 34 seconds W. parallel with said breakwater, 443.37 feet to a point that is 500 feet northerly of the north end of the fair weather entrance; thence S. 89 degrees 29 minutes 49 seconds W. 1,059.36 feet; thence S. 34 degrees 29 minutes 49 seconds W. 1,682.44 feet to a point on the north right-of-way line of East Wells Street ex-

tended easterly; thence S. 84 degrees 02 minutes 42 seconds W. along the easterly extension of the north line of said street, 2,675.21 feet to the east line of the Chicago and Northwest Railway right-of-way by agreement dated April 9, 1913; thence N. 16 degrees 31 minutes 35 seconds E. along said east right-of-way line 432.36 feet; thence N. 27 degrees 17 minutes 11 seconds E. along said right-of-way line 1,828.24 feet; thence N. 32 degrees 43 minutes 58 seconds E. 1,433.86 feet; thence N. 40 degrees 01 minutes 48 seconds E. along said right-of-way line 668.26 feet; thence N. 40 degrees 12 minutes 33 seconds E. 420.78 feet to a point on the west line of the SW-1/4 of Section 22; thence N. 0 degrees 17 minutes 03 seconds W. along the west line of said 1/4 section, 18.28 feet to the point of beginning.

(5) AUTHORIZED USES.

(a) The park, recreational, marina and other related purposes, as specified under chapter 175, laws of 1963, for which the land granted and ceded under chapter 175, laws of 1963, may be used may include the construction and maintenance of buildings, boat ramps or slips, boat moorings, boat basins, docks, wharves and other structures that provide protection or security.

(b) In addition to the purposes for use as a public park and boulevards as specified under chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, chapter 608, laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911, chapters 183 and 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of 1921, chapter 284, laws of 1923, and chapter 175, laws of 1963, the land granted and ceded under chapter 197, laws of 1893, as so amended, may be used for park, recreational, marina and other related purposes and may include the construction and maintenance of any of the items specified in paragraph (a).