



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3677/1
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2021 SENATE BILL 682

November 11, 2021 - Introduced by Senators JACQUE, STROEBEL and BALLWEG, cosponsored by Representatives MURPHY, ALLEN, HORLACHER, MOSES and RAMTHUN. Referred to Committee on Housing, Commerce and Trade.

1 **AN ACT** *to renumber and amend* 893.33 (6m); and *to create* 893.33 (6m) (b) of
2 the statutes; **relating to:** creating an exception to the 40-year recording
3 requirement for recorded access easements.

Analysis by the Legislative Reference Bureau

Current law generally bars actions affecting title to real estate that are based on instruments executed or recorded more than 30 years prior to the commencement of the action unless an instrument expressly referring to the existence of the claim or defense has been recorded in the office of the register of deeds of the county where the real estate is located within 30 years after the execution or recording of the original instrument and within each successive 30-year period thereafter. Under current law, the recording requirement for recorded easements and covenants restricting the use of real estate is 40 years, rather than 30 years. Current law provides a number of exceptions to these limitation periods. For example, the recording requirement does not apply to a conservation easement or to any interest in real estate owned by a railroad corporation, public service corporation, or the state.

This bill creates an additional exception to the recording requirement for an easement that is set forth in a recorded instrument and that allows a person to travel across another's land to reach a location or for another specified purpose (access easement). In other words, under the bill, an action to enforce an access easement

