

State of Wisconsin



1997 Senate Bill 124

Date of enactment: April 14, 1998
Date of publication*: April 28, 1998

1997 WISCONSIN ACT 108

AN ACT to repeal 893.29 (2); to amend 893.24 (1), 893.24 (2), 893.29 (title) and 893.29 (1); and to create 893.29 (2m) of the statutes; relating to: the prohibition of obtaining title by adverse possession to real estate owned by a public body.

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

SECTION 1. 893.24 (1) of the statutes is amended to read:

893.24 (1) A written instrument or judgment that declares the boundaries of real estate adversely possessed under s. 893.29, 1995 stats., or s. 893.25, 893.26, or 893.27 ~~or 893.29~~ does not affect any section line or any section subdivision line established by the United States public land survey or any section or section subdivision line based upon it.

SECTION 2. 893.24 (2) of the statutes is amended to read:

893.24 (2) Occupation lines that the court declares to be property lines by adverse possession under s. 893.29, 1995 stats., or s. 893.25, 893.26, or 893.27 ~~or 893.29~~ shall, by order of the court, be described by a retraceable description providing definite and unequivocal identification of the lines or boundaries. The description shall contain data of dimensions sufficient to enable the description to be mapped and retraced and shall describe the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county, and by metes and bounds commencing with a corner marked and established by the United States public land survey or a corner of the private claim.

SECTION 3. 893.29 (title) of the statutes is amended to read:

893.29 (title) ~~Adverse~~ **No adverse possession against the state or political subdivisions, special provision.**

SECTION 4. 893.29 (1) of the statutes is amended to read:

893.29 (1) ~~Title~~ **No title** to or interest in real property belonging to the state or a city, village, town, county, school district, sewerage commission, sewerage district or any other unit of government within this state may be obtained by adverse possession, prescription or user under s. 893.25, 893.26, 893.27 or 893.28 ~~only if the adverse possession, prescription or user continues uninterruptedly for more than 20 years unless the adverse possession, prescription or user continues uninterruptedly for more than 20 years and is based upon a continuously maintained fence line which has been mutually agreed upon by the current landowners.~~

SECTION 5. 893.29 (2) of the statutes is repealed.

SECTION 6. 893.29 (2m) of the statutes is created to read:

893.29 (2m) Subsection (1) does not affect title to or interest in real property obtained by adverse possession, prescription or user under s. 893.25, 893.26, 893.27 or 893.28 before the effective date of this subsection [revisor inserts date].

* 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].

SECTION 7. Initial applicability.

(1) This act first applies to real property belonging to

this state or a unit of government within this state on the effective date of this subsection.
