



ENGROSSED 1997 SENATE BILL 124

September 9, 1997 - Printed by direction of ASSEMBLY CHIEF CLERK.

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

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1997 Senate Bill 124, adopted in the senate on June 26, 1997, consists of the following documents: the bill as affected by Senate Amendment 1 (as affected by Senate Amendment 1 thereto).

Content of Engrossed 1997 Senate Bill 124:

This bill prevents the title or interest in real property currently belonging to the state or a political subdivision of the state from being obtained by adverse possession unless the adverse possession is based on a continuously maintained fence line that has been mutually agreed upon by the current landowners.

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

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

1 893.24 (1) A written instrument or judgment that declares the boundaries of
2 real estate adversely possessed under s. 893.29, 1995 stats., or s. 893.25, 893.26, or
3 893.27 ~~or 893.29~~ does not affect any section line or any section subdivision line
4 established by the United States public land survey or any section or section
5 subdivision line based upon it.

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

7 893.24 (2) Occupation lines that the court declares to be property lines by
8 adverse possession under s. 893.29, 1995 stats., or s. 893.25, 893.26, or 893.27 ~~or~~
9 ~~893.29~~ shall, by order of the court, be described by a retracable description providing
10 definite and unequivocal identification of the lines or boundaries. The description
11 shall contain data of dimensions sufficient to enable the description to be mapped
12 and retraced and shall describe the land by government lot, recorded private claim,
13 quarter-quarter section, section, township, range and county, and by metes and
14 bounds commencing with a corner marked and established by the United States
15 public land survey or a corner of the private claim.

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

17 **893.29 (title) Adverse No adverse possession against the state or**
18 **political subdivisions, special provision.**

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

20 893.29 (1) Title No title to or interest in real property belonging to the state or
21 a city, village, town, county, school district, sewerage commission, sewerage district
22 or any other unit of government within this state may be obtained by adverse
23 possession, prescription or user under s. 893.25, 893.26, 893.27 or 893.28 ~~only if the~~
24 ~~adverse possession, prescription or user continues uninterruptedly for more than 20~~
25 ~~years~~ unless the adverse possession, prescription or user continues uninterruptedly

1 for more than 20 years and is based upon a continuously maintained fence line which
2 has been mutually agreed upon by the current landowners.

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

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

5 893.29 **(2m)** Subsection (1) does not affect title to or interest in real property
6 obtained by adverse possession, prescription or user under s. 893.25, 893.26, 893.27
7 or 893.28 before the effective date of this subsection [revisor inserts date].

8 **SECTION 7. Initial applicability.**

9 (1) This act first applies to real property belonging to this state or a unit of
10 government within this state on the effective date of this subsection.

11

(END)