

**INSERT 6-6:**

SECTION 1. 81.38 (6) of the statutes is renumbered 61.48 and amended to read:

**61.48 County aid for construction and repair of bridges and culverts.**

Any village, ~~by a resolution adopted by a two-thirds majority vote of all members of the village board, may elect to become subject to all of the provisions of this section.~~ Such s. 82.08 by a resolution adopted by a two-thirds majority vote of all members of the village board. The election to become subject to s. 82.08 shall be effective when a certified copy of such the resolution is filed with the county board and approved by a majority of the towns and the villages in the county that are already subject to s. 82.08 vote of the members of the county board representing towns and representing villages which have become subject to the provisions of this section as provided in this subsection; and thereafter, until such to approve the village's election. Until the village ceases to be subject to the provisions of this section s. 82.08, the words "town" and "town board" as used in this section s. 82.08 shall also apply respectively to such to the village and its village board. A village which that has become subject to the provisions of this section as provided in this subsection s. 82.08 may cease to be subject to such provisions only that section by the adoption of a resolution and its approval by the county board in the same manner and by the same procedure by which a as the village may become became subject to such provisions as provided in this subsection that section.

**INSERT 8-4:**

SECTION 2. 66.1005 (title) of the statutes is created to read:

**66.1005 (title) Reversion of title.**

**SECTION 3.** 80.32 (3) of the statutes is renumbered 66.1005 (1) and amended to read:

66.1005 (1) When any highway ~~shall be or public ground is~~ discontinued the same, the land shall belong to the owner or owners of the adjoining lands; ~~if it shall be.~~ If the highway is located between the lands of different owners, it shall be annexed to the lots to which it originally belonged if that can be ascertained; ~~if not it.~~ If the lots to which the land originally belonged cannot be ascertained, the land shall be equally divided between the owners of the lands on each side ~~thereof of the~~ highway.

**SECTION 4.** 80.32 (4) (a) (intro.) of the statutes is renumbered 66.1005 (2) (a) (intro.) and amended to read:

66.1005 (2) (a) (intro.) Whenever any public highway or public ground has been vacated or discontinued, ~~any all~~ easements and rights incidental ~~thereto acquired by or belonging to the easements that belong~~ to any county, school district, town, village or city ~~or to any~~ utility, or person ~~and relating that relate~~ to any underground or overground structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue, unless one of the following applies:

**SECTION 5.** 80.32 (4) (a) 1. and 2. of the statutes are renumbered 66.1005 (2) (a) 1. and 2.

**SECTION 6.** 80.32 (4) (b) of the statutes is renumbered 66.1005 (2) (b).

**SECTION 7.** 80.32 (4) (c) of the statutes is renumbered 66.1005 (2) (c) and amended to read:

(c) Damages for the discontinuance of the easements and rights described in par. (a) shall be assessed against the land benefited in the proceedings for

assessment of damages or benefits upon the vacation or discontinuance of the public highway or public ground. ~~The~~ Unless the parties agree on a different amount, the amount of the damages shall be the present value of the property to be removed or abandoned, plus the cost of removal, less the salvage value of the removed or abandoned property, ~~or any other amount that may be agreed upon between the interested parties.~~ The owner of the easements and incidental rights, upon application to the treasurer and upon furnishing satisfactory proof, shall be entitled to any payments of or upon the assessment of damages.

**SECTION 8.** 80.32 (4) (d) of the statutes is renumbered 66.1005 (2) (d).

**INSERT 10-1:**

**SECTION 9.** 80.41 of the statutes is renumbered 66.1006 and amended to read:

**66.1006** ~~Discontinuing ways to waters~~ Department of natural resources approval of discontinuance. No resolution, ordinance, order or similar action of any a town board or county board, or a committee thereof of a town or county board discontinuing any highway, street, alley, or right-of-way that provides public access to any navigable lake or stream shall be effective until such resolution, ordinance, order, or similar action is approved by the department of natural resources.

**INSERT 10-8:**

**SECTION 10.** 80.01 (5) of the statutes is renumbered 66.1024 and amended to read:

**66.1024** ~~EFFECT OF RESERVATION OR EXCEPTION IN CONVEYANCE.~~ **Effect of reservation or exception in conveyance.** Whenever a an executed and recorded deed, land contract, or mortgage of lands abutting on an existing public street, highway, or alley or a projected extension thereof ~~hereafter executed and recorded~~

contains language reserving or excepting certain lands for street, highway, or alley purposes, such the reservation or exception shall constitute a dedication for such purpose to the public body having jurisdiction over such the highway, street, alley, or projected extension thereof, unless the language of such the reservation or exception plainly indicates an intent to create a private way. ~~Such dedication may be~~ Any reservation or exception shall not be effective until it is accepted by a resolution of the governing body having jurisdiction over such street, highway, alley, or projected extension thereof.

**INSERT 10-19:**

**SECTION 11.** 81.14 (title) of the statutes is renumbered 66.1029 (title) and amended to read:

**66.1029 ~~Highways; refusal of town to open; appeal to county board; cost of opening~~ Appeal to county the refusal of a town, village, or city to open or repair a highway or bridge.**

**SECTION 12.** 81.14 (1) of the statutes is renumbered 66.1029 (1) and amended to read:

66.1029 (1) (a) ~~If any town, or towns in case of a town line highway, either by the proper officers, or by a majority vote of the electors voting on such question, refuse, fail or neglect to~~ city, or village does not open and ~~put in reasonable condition for travel~~ a highway, within one year from the date ~~when it~~ the highway was laid out, or ~~refuse, fail or neglect to~~ does not repair any highway or build or repair any a bridge ~~thereon, in such town or towns, any~~ on a highway, 15 freeholders ~~thereof~~ of the town, city, or village may appeal to the county board of the county in which the highway or bridge is situated located, by notice in writing served on the ~~chairperson or chairpersons~~ county clerk, with copies delivered to the clerk of the town or towns.

(b) For the purpose of this section ~~all~~, highways on town, city, or village lines, ~~which shall that~~ have been apportioned between the respective towns, cities, or villages, shall be considered as wholly within the town, city, or village to which ~~sueh~~ the part of said the highway or bridge is apportioned. ~~In case of town highways which are upon~~ If a highway is on county lines and ~~which have has~~ not been apportioned for the purpose of ~~maintenance~~ authority and responsibility, the appeal may be made to the county board of either county. ~~When it is appealed to,~~

(c) Upon receipt of an appeal, the county board shall, at the next regular meeting, either by a majority of its members or by a committee of not less than 3, examine such highway or bridge, ~~and if they determine that it ought to be put in reasonable condition for travel or ought to be repaired,~~ If it determines that the appeal should be granted, the county board shall ~~thereupon~~ appropriate ~~therefor~~ sufficient funds to defray the estimated cost of opening or repairing the highway or building or repairing the bridge, and the chairperson of the county board shall cause the highway to be opened and put in reasonable condition for travel or cause the bridge to be repaired or built, and shall keep an accurate account of the expense thereof, ~~and such~~ The expense, when audited and allowed by the county board, shall be charged to the ~~town and~~ affected towns, cities, or villages in amounts and proportions as the county board shall determine and shall be added to the next county tax apportioned ~~therete~~ and collected ~~therewith~~.

**SECTION 13.** 81.14 (2) of the statutes is renumbered 66.1029 (2) and amended to read:

66.1029 (2) If any county fails to ~~aid in putting~~ create an established plan, agreed to by the town, city, or village, to put any county line highway in reasonable condition for travel ~~any county line highway~~, the adjoining county may, after not less

than ~~20~~ 30 days' notice in writing given to the county clerk of ~~such~~ the other county, put ~~such~~ the highway in reasonable condition for travel and keep an accurate account of the expense thereof. ~~Such .~~ The expense, when audited and allowed by the county board, shall be prorated and charged to the county whose duty it is to keep the highway in condition for travel. Such county may then charge the expense to the affected town, city, or village whose duty it is to keep the highway in repair and add it to the next county tax, ~~apportion it thereto and collect it therewith~~ apportioned and collected.

SECTION 14. 81.14 (3) of the statutes is repealed.

SECTION 15. 81.14 (4) of the statutes is renumbered 66.1029 (3) and amended to read:

66.1029 (3) ~~In case of~~ If a county line highway ~~which~~ has not been apportioned between towns, cities, or villages for the purpose of ~~maintenance, and where~~ authority and responsibility, an appeal may be taken to the county board of any county bounded by said ~~the~~ highway, ~~the~~ . The expense incurred in opening and putting in reasonable condition for travel ~~such~~ highway, or in repairing it ~~the~~ highway, or in building or repairing any bridge ~~thereon~~ on the highway, shall be paid primarily by the county to which the appeal is taken, ~~and by said county apportioned~~ . The county to which the appeal is taken shall apportion the expense among all of the counties ~~which~~ that are bounded in whole or in part by ~~such~~ the highway, ~~and the proportionate share of such costs and expense shall be paid by the other counties .~~ The other counties shall pay their apportioned share to the county to which the appeal is taken, upon ~~presentation~~ receipt of a proper claim therefor, ~~and when such~~ . When the expense has been paid by the counties liable therefor it shall be charged by the respective counties ~~to their proper towns and added~~ , the counties shall charge

their affected towns, cities, or villages and add the charge to the next county tax apportioned to such ~~the towns and collected therewith.~~

**INSERT 13-1:**

**SECTION 16.** 80.64 of the statutes is renumbered 66.1031, and 66.1031 (1), (2), and (3) (intro.) and (b), as renumbered, are amended to read:

**66.1031 Widening of highways; establishment of excess widths. (1)**  
With the approval of the governing body of the ~~municipality~~ town, city, or village in which a street or highway or part thereof of a street or highway is located, the county board, to promote the general welfare, may establish street and highway widths in excess of the widths in use and adopt plans showing the location and width proposed for any future street or highway, which shall not be subject to s. ~~80.32 (2)~~ 82.19 (2). Streets or highways or plans ~~therefor~~ for streets or highways established or adopted under this section shall be shown on a map showing present and proposed street or highway lines and, except in counties having a population of 500,000 or more, property lines and owners. The map shall be recorded in the office of the register of deeds. Notice of the recording shall be published as a class 1 notice, under ch. 985, in the territory in which the affected streets or highways are located. The notice shall briefly set forth the action of the county board. ~~The county board, upon like approval, publication and notice, may from time to time supplement or change the same, and such supplements or changes shall be similarly recorded in the office of the register of deeds.~~

(2) The excess width for streets or highways in use for the right-of-way required for those planned, may be acquired at any time either in whole or in part by the state or county or municipality in which located; but no part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the

same side of the street or highway, nor for less than the full length of such excess width lying within contiguous land owned by the same owner. Any land so acquired, whether the excess width is acquired for the full length of the street or highway or not, shall at once become available for highway purposes. The power to acquire such right-of-way or additional width in portions as provided herein in this section may be exercised to acquire the land on advantageous terms.

(3) In counties containing a population of 500,000 or more if, subsequent to the establishment of widths on streets or highways ~~by a county board with the approval of the governing body of the municipality in which the streets or highways lie~~ under sub. (2), in conformity with this section or s. 59.69, any area embracing a street or highway upon which a width has been established under this section is annexed to a city or village or becomes a city or village by incorporation, the city or village shall ~~thereafter~~ adhere to the established width, and shall not, subsequent to any annexation or incorporation, except with the approval of the county board, do any of the following:

(b) Permit or sanction any construction or development ~~which~~ that will interfere with, prevent, or jeopardize the obtaining of the necessary right-of-way to such established width.

\*\*\*\*NOTE: ARG: how does this fit with width provisions of ch. 86?

**INSERT 14-12:**

**SECTION 17.** 80.01 (4) (title) of the statutes is renumbered 66.1033 (title) and amended to read:

**66.1033** (title) ~~HIGHWAYS, STREETS AND ALLEYS, PIERS, PLATS, CURATIVE PROVISIONS.~~  
**Curative provisions.**

**INSERT 14-13:**



66.1033 (1) In this section:

**INSERT 15-8:**

SECTION 18. 80.01 (4) of the statutes is renumbered 66.1033 (2) and amended to read:

66.1033 (2) ~~HIGHWAYS, STREETS AND ALLEYS, PIERS, PLATS, CURATIVE PROVISIONS.~~  
Every street, highway and alley, pier and slip, dedicated or attempted and intended to be dedicated in any plat or laid out, altered, vacated or discontinued, or attempted or intended to be laid out, altered, vacated or discontinued by the authorities of any county, town, city or village shall be held to have been lawfully so dedicated, laid out, altered, vacated or discontinued from and after the expiration of 5 years from the date of the deed, instrument, plat, order, resolution or other final proceeding had or taken to effectuate such purpose. No For proceedings taken, or for plats, deeds, orders, or resolutions executed before the effective date of this act ... [revisor inserts date], notwithstanding s. 840.11, no defect, omission or informality in the proceedings or execution of any a plat or, deed of dedication or in any proceedings, order or resolution on the part of such authorities for the purposes aforesaid shall affect or invalidate such the proceedings, plat, deed, order, or resolution or proceeding, after the expiration of 5 years from the date of the proceeding, plat, deed, proceeding, order, or resolution; provided, the street or alley. The public way dedicated, laid out, or altered by such a defective, or informal proceeding, plat, deed, proceeding, order, or resolution, shall be limited in length to the portion actually worked and used thereunder.

**INSERT 15-9:**

SECTION 19. 80.47 of the statutes is renumbered 66.1035 and amended to read:

**66.1035 Rights of abutting owners.** The owners of land abutting on any highway, street, or alley shall have a common right in the free and unobstructed use thereof to its of the full width, and no of the highway, street, or alley. No town, village, city, county, company, or corporation shall close up, use, or obstruct any part of the highway, street, or alley so as to materially interfere with its usefulness as a highway or so as to damage abutting property abutting thereon, or permit the same to be done, without due just compensation being made for any resulting damage resulting therefrom to the owners of land upon either side of such highway, street or alley. This section does not impose liability for damages to property on both sides of any street, highway or alley arising from the use, maintenance, and operation of tracks or other public improvement legally laid down, built, or established in any street, highway, or alley prior to April 7, 1889. All rights of in property which would that could entitle the owners an owner to damages for injury thereto under the foregoing provisions this section may be condemned and permanently appropriated by any corporation authorized to use or obstruct any highway, street or alley that is listed in s. 32.02 in the same manner that other property may be condemned and appropriated by such the corporation.

**INSERT 16-7:**

**SECTION 20.** 80.01 (3) of the statutes is renumbered 66.1037 and amended to read:

**66.1037** ~~BEAUTIFICATION AND PROTECTION.~~ **Beautification and protection.**  
No lands abutting on any highway, and acquired or held for highway purposes, shall be deemed discontinued for such purpose so long as they abut on any highway. All lands acquired for highway purposes after June 23, 1931 may be used for any purpose that the ~~public authorities~~ town, city, village, or county in control of such the

highway shall deem to conduce to the public use and enjoyment thereof. ~~Such authorities .~~ The town, city, village, or county may improve such lands by suitable planting, to prevent the erosion of the soil, or to beautify the highway. The right to protect and to plant vegetation in any highway laid out prior to ~~said date~~ June 23, 1931 may be acquired in any manner that lands may be acquired for highway purposes. It shall be unlawful for any person to injure any tree or shrub, or cut or trim any vegetation other than grass, or make any excavation in any highway laid out after ~~said date~~ June 23, 1931 or where the right to protect vegetation has been acquired, without the consent of the highway authorities and under their direction ~~but such .~~ The authorities shall remove, cut, or trim or consent to the removing, cutting, or removal of any tree, shrub, or vegetation in order to provide safety to users of the highway.

**INSERT 17-2:**

**SECTION 21.** 80.03 of the statutes is repealed.

**SECTION 22.** 80.09 of the statutes is repealed.

\*\*\*\*NOTE: Nicholas: this has cross-references - 80.24 (1) and (2) and 83.18 (2)

**SECTION 23.** 80.10 of the statutes is repealed.

**SECTION 24.** 80.12 (title) of the statutes is repealed.

**SECTION 25.** 80.24 to 80.29 of the statutes are repealed.

\*\*\*\*NOTE: Nicholas: this has cross-references - 80.24 (1) and (2) and 83.18 (2).

**SECTION 26.** 80.30 of the statutes is repealed.

\*\*\*\*NOTE: Include this above? this has cross-references - 80.24 (1) and (2) and 83.18 (2). RN sub. (1)??

**SECTION 27.** 80.31 (title), (1), and (2) of the statutes are repealed.

**SECTION 28.** 80.35 of the statutes is repealed.

**SECTION 29.** 80.38 to 80.40 of the statutes are repealed.

**SECTION 30.** 80.48 of the statutes is repealed.

\*\*\*\*NOTE: Nicholas: this has cross-references

**SECTION 31.** 80.65 of the statutes is repealed.

**SECTION 32.** 81.04 and 81.05 of the statutes are repealed.

\*\*\*\*NOTE: Nicholas: this has cross-references

**SECTION 33.** 81.06 of the statutes is repealed.

\*\*\*\*NOTE: check this - repeal or RN?? this has cross-references

**SECTION 34.** 81.07 of the statutes is repealed.

\*\*\*\*NOTE: this has cross-references

**SECTION 35.** 81.36 of the statutes is repealed.

\*\*\*\*NOTE: this has cross-references

**SECTION 36.** 81.39 of the statutes is repealed.

**INSERT 18-21:**

**SECTION 37.** 80.01 (1) of the statutes is renumbered 82.01 (7) and amended to read:

82.01 (7) ~~DEFINITION. In this section, "recorded~~ "Recorded highway" means a highway for which the order laying out or altering the highway, or a certified copy of the order, has been ~~filed~~ recorded in the office of the ~~clerk of the town or register of deeds~~ in the county in which the highway is situated or, for highways that were laid out or altered before the effective date of this act ... [revisor inserts date], in the office of the clerk of the town or the county in which the highway is situated.

**INSERT 22-19:**

**SECTION 38.** 81.01 (title) of the statutes is renumbered 82.03 (title) and amended to read:

**82.03 (title) ~~Highways; duties~~ Duties of town board.**

**SECTION 39.** 82.03 (1) (title) of the statutes is created to read:

82.03 (1) (title) OVERSIGHT OF HIGHWAYS, SUPERINTENDENT OF HIGHWAYS.

SECTION 40. 81.01 (intro.) and (1) of the statutes are renumbered 82.03 (1) (a) and amended to read:

82.03 (1) (a) The town board shall have the care and supervision of all highways in the town, ~~except as otherwise provided~~ under the town's jurisdiction, including the highways specified in s. 83.06. The town board shall:

~~81.01 (1) Appoint may appoint~~ in writing if it deems advisable a superintendent of highways to supervise, under the board's direction ~~of the board,~~ the construction and, repair, and maintenance of ~~said the~~ highways and bridges and ~~fix the compensation and the amount of the bond of such superintendent~~ under the town's jurisdiction. Where no superintendent of highways is appointed, it shall be the duty of the town board to perform all of the duties that are prescribed by law for the superintendent of highways to perform.

SECTION 41. 81.01 (2) of the statutes is renumbered 82.03 (1) (d) and amended to read:

82.03 (1) (d) ~~Provide~~ The town board shall provide the superintendent of highways with necessary forms and books made in compliance with standards prescribed by the department of transportation.

SECTION 42. 81.02 of the statutes is renumbered 82.03 (1) (b) and amended to read:

82.03 (1) (b) ~~Superintendent; appointment; compensation; bond; highway districts.~~ The town board may appoint more than one superintendent of highways. If more than one superintendent is appointed, the town board shall divide the town into as many districts as there are superintendents. The districts shall be numbered and a superintendent shall be assigned to each district. ~~The term of office~~

~~of highway superintendents shall be one year from the date of their appointment. A superintendent of highways may be compensated by a regular salary or by a per diem allowance, to be paid out of the highway fund or out of the general fund of the town. In addition to a salary or per diem compensation the superintendent may be paid out of either of said funds a stated amount for the maintenance and upkeep of a horse or automobile or motor truck. Such superintendent before entering upon the duties of superintendent shall execute an official bond in such sum as the town board shall require, with sureties to be approved by the board, and file said bond with the town clerk. A superintendent may be a member of the town board.~~

SECTION 43. 81.01 (3) of the statutes is renumbered 82.03 (2) and 82.03 (2) (intro.) and (b), as renumbered, are amended to read:

82.03 (2) Provide FUNDING AND EQUIPMENT. The town board shall provide machinery, implements, material, and equipment needed to construct, maintain, and repair said the highways and bridges under its jurisdiction, and for that purpose those purposes may acquire by purchase or by condemnation ~~in the manner provided by under ch. 32 stone, gravel, sand, clay, earth, gravel pits and, stone quarries, but the and interests in land under s. 83.07.~~ The total sum spent under this subsection in any year for construction, maintenance, and repair of highways and bridges may not exceed the product of \$5,000 multiplied by the miles of highway under the jurisdiction of the town measured by the most recent highway mileage for the town, as determined under s. 86.302, unless one of the following occurs:

(b) The town board, by resolution, submits to the electors of the town as a referendum at a general or special town election the question of exceeding the limit set under this subsection. A copy of the resolution shall be filed as provided in s. 8.37.

The board shall abide by the majority vote of the electors of the town on the question.

The question shall read as follows:

Shall the town of .... spend up to \$... over ...., which is the annual limit of the product of \$5,000 multiplied by the miles of highway under the jurisdiction of the town measured by the most recent highway mileage for the town, as determined under section 86.302 of the Wisconsin Statutes, for the construction, maintenance, and repair of its highways and bridges?

FOR SPENDING  AGAINST SPENDING

**SECTION 44.** 81.01 (4) of the statutes is renumbered 82.03 (3) and amended to read:

82.03 (3) ~~Compel~~ OVERSIGHT OF SUPERINTENDENT. The town board shall compel the superintendent of highways from time to time to perform the superintendent's official duties.

**SECTION 45.** 81.01 (8) of the statutes is renumbered 82.03 (4) and amended to read:

82.03 (4) ~~Direct~~ CONTROL OF EXPENDITURES. The town board shall direct when and where all town moneys received from highway taxes and other available highway funds shall be expended.

**SECTION 46.** 81.01 (5), (6), (7), and (9) of the statutes are repealed.

**SECTION 47.** 81.01 (10) of the statutes is renumbered 82.03 (5) and amended to read:

82.03 (5) ~~Enter~~ MAINTENANCE. The town supervisors may enter any lands near any highway in the town to construct necessary drains or ditches or embankments for the improvement or protection of the highway. The town supervisors may enter any private lands with their employees and agents for the following purposes of

removing : (a) To remove weeds and brush and of erecting or removing such to keep the highway reasonably safe for travel.

(b) To erect or remove snow fences as may be necessary to keep highways reasonably free from snow and open for travel during the winter season.

\*\*\*NOTE: Should I break up intro. into (a) and (b) and RN 81.06 into (a) ????

**SECTION 48.** 81.01 (11) of the statutes is renumbered 82.03 (7) and amended to read:

82.03 (7) By HIGHWAY NAMES. The town board shall, by ordinance, assign a name to each of the roads in the town under town board jurisdiction. No road name may be used on more than one road within the jurisdiction of the town.

**SECTION 49.** 81.42 (title) of the statutes is renumbered 82.03 (8) (title) and amended to read:

82.03 (8) ~~Dams used for bridges.~~ USE OF DAMS AS ROADWAYS.

**SECTION 50.** 81.42 (1) of the statutes is renumbered 82.03 (8) and amended to read:

82.03 (8) The town board may contract with the owner of any a dam with that has a roadway thereon on it for the use of such the roadway for highway purposes for such period of time as the board may determine. The contract shall provide that who shall be responsible for keeping the roadway shall at all times be kept in repair by the owner and may be for a period of time as the board may determine.

**INSERT 24-7:**

**SECTION 51.** 81.03 of the statutes is renumbered 82.05 and amended to read:

**82.05 Superintendent of highways; duties.** (1) The term of office of highway superintendents shall be one year from the date of their appointment.



(2) The superintendent of highways shall supervise the construction and maintenance of all highways in the superintendent's district required to be maintained by the town, and keep them passable at all times, and perform such other services in connection with said the highways as the town board requires, ~~and keep a full account of all the superintendent's receipts and disbursements.~~ The superintendent may ~~make such arrangement~~ arrange for the prosecution of the highway work as the superintendent deems necessary and appoint ~~such supervisors overseers~~ as the highway work requires.

(3) When any highway under the superintendent's charge becomes impassable, the superintendent shall put the same highway in passable condition as soon as practicable. ~~The superintendent shall make a complete and full report of all funds received and disbursed by the superintendent whenever requested so to do by the town board, and shall also make a complete and full report to each annual town meeting. The superintendent, and in the superintendent's absence the town board, shall immediately upon notice of its existence fill or remove~~ Upon actual notice of the existence of any depression, ditch, hump, or embankment which that impedes the use of any highway in under the superintendent's district charge, the superintendent, or in the absence of a superintendent, the chairperson of the town board, shall as soon as practicable, take action to make the highway safe for travel, which may include closing the highway.

**INSERT 26-11:**

**SECTION 52.** 81.38 (title) of the statutes is renumbered 82.08 (title).

**SECTION 53.** 81.38 (1) of the statutes is renumbered 82.08 (1) and amended to read:

82.08 (1) ~~When any~~ PETITIONS. A town ~~that~~ has voted to construct or repair any culvert or bridge on a highway ~~maintainable~~ maintained by the town, ~~and has provided for such portion of the cost of such construction or repair as is required by this section, the town board shall~~ may file a petition with the county board setting forth ~~said facts and~~ for county aid with the county highway commissioner. The petition shall describe the location and size of the culvert or bridge, and shall contain a statement that the town has provided the funds required by sub. (3).

(2) FUNDING REQUIREMENTS. (a) Except as provided in par. (b), upon receipt of a petition for a culvert or bridge with a 36-inch span or greater, or a structure of equivalent capacity to carry water, the county board, ~~except as herein provided,~~ shall thereupon appropriate ~~such~~ the sum as will, with the money provided by the town, be sufficient to ~~defray the expense of constructing or repairing such culvert or bridge,~~ required by sub. (3) and shall levy a tax therefor, ~~which .~~ The tax, when collected, shall be ~~disbursed on the order of the chairperson of the county board and the county clerk, when the town board and county highway committee files a written notice with the clerk that the work has been completed and accepted.~~ held in a separate account administered by the county highway committee.

(b) If, on January 1, 2003, a county has a policy of providing funding only for culverts and bridges larger than the requirement of par. (a), the county may refuse to fund culverts and bridges that do not meet the minimum requirements of that policy. The minimum size bridge or culvert that a county is required to fund under this section may be raised, but not lowered, by the vote of a majority of the towns in the county. The county board of any county ~~which~~ that has never granted aid under this section may, in its discretion, ~~refuse to make any appropriation~~ all applications under sub. (1).

\*\*\*\*NOTE: Under created s. 82.08 (2) (a), in the first line, should it be this subsection or par. (b)?

**SECTION 54.** 81.38 (2) of the statutes is renumbered 82.08 (3) and amended to read:

82.08 (3) ~~The county shall pay the cost in excess of \$750 up to \$1,500.~~ SHARED COST. The town and county shall each pay one-half of the cost of construction or repair above \$1,500. In determining the cost of construction or repair of any culvert or bridge, the cost of constructing or repairing any approach not exceeding 100 feet in length shall be included.

**SECTION 55.** 81.38 (3) of the statutes is renumbered 82.08 (4) and amended to read:

82.08 (4) EMERGENCY PETITION. Whenever the construction or repair of any such culvert or bridge must be made without delay, the town board may file its petition with the county clerk and the county highway committee, ~~setting forth the facts respecting~~ explaining the necessity for immediate construction or repairs. It shall then be the duty of the town board and the county highway committee to ~~make such construction or repairs with the least possible delay.~~ The town board is authorized to borrow the entire cost of the work, and to include the town's share of such cost in the next tax levy construct or repair the culvert or bridge as soon as practicable. The construction or repair of a culvert or bridge ~~performed and accepted~~ undertaken pursuant to this subsection shall entitle the town to the same county aid that the town would have been entitled to had it filed its petition with the county board as provided in sub. (1).

**SECTION 56.** 81.38 (4) of the statutes is renumbered 82.08 (5) and amended to read:

82.08 (5) SUPERVISION OVER DESIGN, CONSTRUCTION, AND COST. The county highway committee and the town board shall have full charge of design, sizing, letting, inspecting, and accepting the work construction or repair, but the town board may leave the matter entirely in the hands of the county highway committee. The county highway committee and the town board must agree on the cost of the project and must consult each other during construction.

SECTION 57. 81.38 (5) of the statutes is renumbered 82.08 (6) and amended to read:

82.08 (6) CONSTRUCTION REQUIREMENTS. No county order may be drawn under sub. (1) (2) for the construction of ~~an arch, a~~ culvert or bridge unless ~~it is constructed in a workmanlike manner and built of creosoted wood or timber, steel, stone or concrete or a combination thereof,~~ and the design and construction comply with requirements under s. 84.01 (23).

SECTION 58. 81.38 (7) of the statutes is renumbered 82.08 (7) and amended to read:

82.08 (7) NO TAX. Except as provided in sub. (6) and s. ss. 61.48 and 84.14 (3), nothing herein contained in this section shall authorize the levy of a tax upon the property in any city or village ~~which~~ that is required to maintain its own bridges.

**INSERT 26-12:**

SECTION 59. 81.42 (2) of the statutes is renumbered 82.09 and amended to read:

82.09 ~~Whenever any~~ County aid for dams used for bridges. A town board shall ~~may~~ file its a petition with the county board, ~~setting forth the fact that said~~ stating that the town board has voted to acquire the right to use any such a roadway, designating as near as may be the location of such dam and roadway, and stating on a dam. The petition shall contain a legal description and scale map of the dam and

roadway, and shall state the amount agreed to be paid to the owner for the use thereof of the roadway. Upon receipt of a petition, the county board shall appropriate a sum equal to one-half the amount so agreed to be paid for such the use, and . The county board shall, on the order of the chairperson of the county board and county clerk, cause such sum to be paid to the treasurer of said the town on the order of the chairperson of the county board and county clerk whenever the town board shall notify them notifies the county highway commissioner that a contract for the use of such the roadway has been executed.

**INSERT 27-12:**

82.10 (title) **Initiation of procedures.**

**INSERT 28-23:**

**SECTION 60.** 80.02 of the statutes is renumbered 82.10 (1) and amended to read:

82.10 (1) ~~Town highways; petition to lay, alter or discontinue.~~ When ~~6~~ Six or more resident freeholders ~~wish~~ may apply to the town board to have a highway laid out, widened, altered, or discontinued in their town, ~~they may make application in writing to the supervisors of said town for that purpose.~~ The application ~~may~~ shall be in writing and shall be delivered to any supervisor or to the town clerk. In case the application is for the discontinuance of all or of a part of any highway, and it is desired, as permitted by s. 80.05, to omit from the notice the description of the lands abutting upon such highway which will be benefited, injured or damaged by the discontinuance of such highway or any part thereof, ~~the~~ The application shall contain the all of the following:

(a) A legal description of the lands abutting upon such highway which will be benefited, injured or damaged by the discontinuance of such highway or any part thereof and shall be delivered to the town clerk with a request in writing that such

~~application remain on file with the clerk until the time set for hearing for reference and inspection by any parties concerned. When all the owners of lands abutting on the part of a highway sought to be altered, desire such alteration, and the supervisors are of the opinion that the public will not be materially affected by such alteration, the board may make the same, and may take into consideration donations of money, land or services for the making of such alterations. When the laying out of a highway would require the construction of a bridge costing more than \$1,000, exclusive of donations, the order of the supervisors laying out such highway shall not be effective unless approved by the electors of the town, and an estimate by the department of transportation shall be conclusive of the cost of such bridge for the purposes of this section. No town board shall discontinue any part of a state trunk or county trunk highway, nor discontinue any highway when such discontinuance would deprive the owner of lands of access therefrom to a highway to be discontinued or of the proposed highway to be laid out or altered.~~

(b) A scale map of the land that would be affected by the application.

**SECTION 61.** 80.05 of the statutes is renumbered 82.10 (3) and amended to read:

**82.10 (3) ~~Notice of meeting; service and publication.~~ (1) On NOTICE REQUIREMENTS. Upon receipt of an application made to supervisors for laying out, widening, altering or discontinuing any highway the supervisors shall prepare a under sub. (1) or the introduction of a resolution under sub. (2), the board shall provide notice fixing therein a of the time and place at which they it will meet and decide upon to consider the application or resolution. The notice shall specify, as near as practicable, contain a legal description of the highway to be discontinued or of the proposed highway to be laid out, widened, or altered or discontinued and the tracts of land through which the highway passes or, if the application is for discontinuing**

~~the whole or any portion of the highway, the tracts of land abutting on the highway which will be benefited or injured by such discontinuance. When the description in the aggregate exceeds 200 words in length, the notice may state that such descriptions are contained in the application as provided in s. 80.02, and shall give the name and address of the town clerk to whom the application has been delivered.~~

~~(2) The applicants shall:~~

~~(a) At and a scale map of the land that would be affected by the application.~~

~~(4) NOTICE RECIPIENTS. (a) The town board or, at the town board's direction, the applicants shall publish a class 3 notice under ch. 985 and shall, at least 10 30 days prior to the date of before the hearing give notice by registered mail to all occupants and of the following:~~

~~(a) All owners of record of lands through which the highway may pass or, if the application is for discontinuance, to the occupants and to the .~~

~~(b) The owners of record of all lands abutting on the highway.~~

~~(b) Give notice by registered mail to the (c) The department of natural resources and to the .~~

~~(d) The county land conservation committee in each county through which the highway may pass.~~

~~(e) Publish a class 2 notice, under ch. 985.~~

**INSERT 29-1:**

82.11 (title) **Meeting.**

**INSERT 29-2:**

**SECTION 62.** 80.06 of the statutes is renumbered 82.11 (1) and amended to read:

82.11 (1) ~~Proceedings after notice.~~ The town supervisors shall meet at the time and place stated in their notice, and upon being satisfied that the notices

~~required in s. 80.05 have been duly given, proof of which may be shown by affidavit or otherwise as they may require, shall proceed to examine personally such examine the highway, and shall hear any reason that may be offered for or against laying out, widening, altering or discontinuing the same, and shall decide upon or proposed highway that is the subject of an application or resolution under s. 82.10. At the time and place stated in the notice under s. 82.10, the board shall hold a public hearing to decide, in its discretion, whether granting the application and shall grant or refuse the same as they shall deem best for the public good; and they may adjourn from time to time, not exceeding in all 30 days from the time of the first meeting, giving public notice of the time and place of such adjournment when made, and by forthwith filing notice of such adjournment in the office of the town clerk. or resolution is in the public interest. Before the town board holds a public hearing on or takes any action on the application or resolution, the town board must be satisfied, by affidavit of the applicant or otherwise, that the notices in s. 82.10 (4) have been given.~~

**SECTION 63.** 80.04 of the statutes is renumbered 82.11 (2) and amended to read:

~~82.11 (2) **When supervisor disqualified; vacancies.** (1) (a) No supervisor town official may act in laying out, altering, widening or discontinuing any a highway in which the supervisor may be personally interested if acting would result in a violation of the code of ethics under s. 19.59 or of a local ordinance enacted under s. 19.59 (1m). If one supervisor is interested the other 2 supervisors a town official is prevented from acting, the remaining town officials shall act. If 2 supervisors are interested the 3rd supervisor shall act in the matter.~~

~~(2) Whenever (b) Every town shall have a written policy on how the town board will act on an application or resolution when there are fewer than 2 supervisors in a the town, the application authorized by s. 80.02 may be made to the county board,~~



~~which shall promptly appoint a committee of 3 of its members. The committee shall who are able to act upon the on that application in the same manner and with the same powers in every respect as the supervisors of the town might do. or resolution. In the absence of a policy, the town clerk may act. If the town clerk is prevented from acting, the treasurer may act.~~

**INSERT 30-11:**

82.12 (title) **Highway order.**

**INSERT 30-12:**

**SECTION 64.** 80.17 of the statutes is renumbered 82.12 (1) and amended to read:

~~82.12 (1) **Appeal from highway order.** Any order of the town supervisors laying out, altering, widening or discontinuing any highway, or refusing so to do, is subject to judicial review under s. 68.13, except that only a person aggrieved by the order or determination may seek review. Failure of the supervisors to file their decision upon~~ The town board shall make a determination upon any application or resolution to lay out, alter, widen or discontinue any highway within 60 90 days after receipt of the application is made shall be deemed a refusal of the application. In case of highways upon a line between 2 counties the appeal may be made to the circuit court of either county or introduction of a resolution. If the board decides to lay out, alter, or discontinue any highway, it shall issue a highway order.

\*\*\*\*NOTE: I included "to lay out, alter, or discontinue any highway" after application or resolution for purposes of clarity. Is this okay? I also moved the order requirement into sub. (2) for ease of renumbering and slightly changed the language to fit the move. Is this okay?

**SECTION 65.** 80.07 of the statutes is renumbered 82.12 (2) and amended to read:

~~82.12 (2) **Order; survey; award; recording; presumptions.** (1) When the supervisors~~ If the board determines under sub. (1) to lay out, alter, widen or discontinue any highway they, it shall make and sign an issue a highway order

~~therefor, incorporating therein a description of the highway and cause survey thereof to be made when necessary. The highway order shall be filed and recorded in the office of with the register of deeds for the county in which the highway is or will be located and shall be filed with the town clerk, who shall note in the record the time of recording. The order together with the award of damages shall be so filed within 10 days after the date fixed by their notice or adjournment for deciding upon the application. In case the supervisors fail to file the order and award within the 10 days aforesaid they shall be deemed to have decided against the application. When an order has been filed for more than 30 years and no award of damages or agreement or release has been filed and when the highway, or a part thereof, has been used by the public and public money has been expended thereon, for at least 5 years, it shall be presumed that a release was given by the owners of the lands over which the highway was laid out and the public shall be entitled to use the full width of the highway, as laid out, without further compensation.~~

~~(2) Whenever the supervisors lay out, alter or discontinue any highway the The town clerk shall transmit submit a certified copy of the order therefor to the county highway commissioner. If the town has an official map, the order shall be incorporated into the official map.~~

**SECTION 66.** 80.22 of the statutes is renumbered 82.12 (3) and amended to read:

**82.12 (3) ~~Determination final for a year unless appealed.~~**—The determination ~~refusing to lay out, alter, widen or discontinue any~~ not to issue a highway order shall be final, ~~unless appealed from, for the term of one year after the making of such determination; and no other. No application for laying out, widening, altering or discontinuing any such~~ to lay out, alter, or discontinue a highway shall be acted upon filed within said term of one year from the date of a determination not

to issue a highway order covering the highway or portion of the highway covered in the refused application.

**INSERT 31-5:**

**SECTION 67.** 80.16 of the statutes is renumbered 82.13 and amended to read:

**82.13 ~~Shut-off Highways to school buildings; how laid.~~** ~~Whenever~~ Upon being notified that a public school in any the town is shut off from all public highways lacks highway access, the supervisors of the town board shall lay out a highway to the site thereof public school, using the procedures in this subchapter. No application for such the highway shall be necessary, but in every other respect the procedure for laying out an ordinary town highway shall be pursued. No highway shall be discontinued when the effect of such discontinuance shall be to exclude a public school from access to the public highways. Section 80.22 82.12 (3) shall not apply to proceedings under this section.

**INSERT 32-6:**

**SECTION 68.** 80.31 (3) of the statutes is renumbered 82.14 (2) and amended to read:

**82.14 (2)** ~~In case any~~ If lands taken acquired by contract or condemnation for highway purposes shall be are encumbered, and the owners of the fee and of the encumbrance shall do not agree upon the division to be made between them on the allocation of any damages to be paid on account of such due to the taking, said the damages may be paid to the clerk of the circuit court of the county, and when so paid may be apportioned among the parties entitled thereto by said court upon. Upon the application of any party interested party and upon not less than 5 days' written notice to the other party, the court may apportion the damages paid to the clerk among the parties.