



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 286 [2003 Assembly Bill 443]	Authority of Counties to Request That Certain Platted Land Dedicated for Public Use Be Vacated
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 286 addresses the authority of a county to request a court to vacate parts of a plat dedicated and accepted as a public park or playground.

At the request of a city, village, or town, a court may vacate land in the city, village, or town that has been platted as a public park or playground if the land has never been developed or used by the municipality as a public park or playground.

Act 286: (1) extends the current provision to land dedicated to a *county* for use as a public park or playground; and (2) removes the current requirement that the land was never “used” as a public park or playground (the requirement that the land was never “developed” remains).

The legislation was prompted by a situation in Waukesha County where a property owner offered to trade wooded hillside property adjacent to an existing park in exchange for farmland previously dedicated to the county.

Effective Date: Act 286 takes effect May 1, 2004.

Prepared by: Don Dyke, Chief of Legal Services

April 30, 2004

DD:jal

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

JAMES T. DWYER
County Board Chair

DANIEL M. FINLEY
County Executive



February 26, 2004

TO: Senator Ron Brown, Chair
Members of the Senate Committee on Homeland Security

FROM: Dave Krahn
Legislative Policy Advisor

RE: Assembly Bill 443 – Allow Counties to Vacate Platted Land

Occasionally, land is dedicated to counties as part of the subdivision platting process. Dedication of land is typically due to limitations of the soils for development or to accomplish park and open space objectives. When lands are dedicated due to lack of development potential, the existing statute does not permit counties to pursue vacating the dedicated lands.

A local farmer has approached Waukesha County with a proposal to trade lands. In this case, the County would receive a wooded hillside adjacent to an existing park in exchange for land previously dedicated to the County that is farmable and adjacent to his farmstead.

The proposed statutory changes contained in Assembly Bill 443 would enable counties to use the same process available to cities, villages and towns to vacate lands.

Waukesha County urges you to support Assembly Bill 443.

Thank you for your consideration of this matter.

Vote Record
Committee on Homeland Security, Veterans and Military
Affairs and Government Reform

Date: 2/24/04

Moved by: S. Fitzgerald

Seconded by: Wirch

AB 443

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Ronald Brown, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed