

2013 Senate Bill 502 (LRB -3536)

An Act to renumber 236.02 (12) (b) and 236.34 (1) (a) to (f); to renumber and amend 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); to amend 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; to repeal and recreate 236.34 (1) (title); and to create 236.02 (12) (bm) and 236.34 (1) (ar) of the statutes; relating to: authorizing ordinances and resolutions that specify a greater number of parcels into which certified survey maps may divide land.

2014

- 01-21. S. Introduced by Senators **Lasee, Gudex, Carpenter, Olsen and Grothman**; cosponsored by Representatives **Hutton, Tittl, Kulp, Kahl, Strachota, Steineke, Kapenga and Barnes**. 585
- 01-21. S. Read first time and referred to Committee on Insurance and Housing 585
- 01-28. S. Senate Amendment 1 offered by Senator Lasee (**LRB a1535**) 611
- 01-30. S. Public hearing held
- 02-10. S. Senate Amendment 2 offered by Senator Lasee (**LRB a1613**) 644
- 02-12. S. Executive action taken
- 02-14. S. Report adoption of Senate Amendment 1 recommended by Committee on Insurance and Housing, Ayes 5, Noes 0
- 02-14. S. Report adoption of Senate Amendment 2 recommended by Committee on Insurance and Housing, Ayes 5, Noes 0
- 02-14. S. Report passage as amended recommended by Committee on Insurance and Housing, Ayes 5, Noes 0
- 02-14. S. Available for scheduling
- 02-17. S. Placed on calendar 2-18-2014 pursuant to Senate Rule 18(1)
- 02-18. S. Senate Amendment 3 offered by Senator Lasee (**LRB a1863**)
- 02-18. S. Read a second time
- 02-18. S. Senate Amendment 1 **adopted**
- 02-18. S. Senate Amendment 2 withdrawn and returned to author
- 02-18. S. Senate Amendment 3 **adopted**
- 02-18. S. Ordered to a third reading
- 02-18. S. Rules suspended
- 02-18. S. Read a third time and **passed**
- 02-18. S. Ordered immediately messaged
- 02-18. A. Received from Senate
- 02-18. A. Read
- 02-18. A. Rules suspended and taken up
- 02-18. A. Read a second time
- 02-18. A. Ordered to a third reading
- 02-18. A. Rules suspended
- 02-18. A. Read a third time and **concurred in**
- 02-18. A. Ordered immediately messaged
- 02-19. S. Received from Assembly concurred in

2013
ENROLLED BILL

13en S B- 502

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

13-3536/2

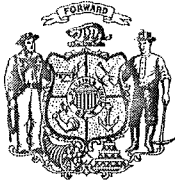
Amendments to above (if none, write "NONE"): SA 1 — a 1535/1
SA 3 — a 1863/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-19-14
Date

JRM
Enrolling Drafter



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3536/2
PJK:sac:rs

2013 SENATE BILL 502

January 21, 2014 - Introduced by Senators LASEE, GUDEx, CARPENTER, OLSEN and GROTHMAN, cosponsored by Representatives HUTTON, TITTL, KULP, KAHL, STRACHOTA, STEINEKE, KAPENGA and BARNES. Referred to Committee on Insurance and Housing.

1 **AN ACT to renumber** 236.02 (12) (b) and 236.34 (1) (a) to (f); **to renumber and**
2 **amend** 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); **to amend**
3 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; **to repeal**
4 **and recreate** 236.34 (1) (title); and **to create** 236.02 (12) (bm) and 236.34 (1)
5 (ar) of the statutes; **relating to:** authorizing ordinances and resolutions that
6 specify a greater number of parcels into which certified survey maps may divide
7 land.

Analysis by the Legislative Reference Bureau

Under current law, a subdivision is a division of a lot, parcel, or tract of land that creates five or more parcels or building sites of one and one-half acres each or less, and includes such a division if it occurs by successive divisions within five years. Current law provides that a certified survey map may be used to change the boundaries of lots and outlots within a recorded plat (the map of a subdivision), a recorded assessor's plat, or a recorded certified survey map if the reconfiguration does not result in a subdivision. Under current law, a certified survey map of not more than four parcels of land may be recorded in the office of the register of deeds of the county where the land is located.

This bill authorizes an incorporated city or village (municipality), town, or county that has established a planning agency to enact an ordinance or adopt a

SENATE BILL 502

resolution that allows a certified survey map to divide land located in the municipality, town, or county into more than four parcels (certified survey map ordinance or resolution) without the division being a subdivision and, therefore, without all of the attendant requirements that apply to subdivisions. The certified survey map ordinance or resolution must specify the maximum number of parcels that land may be divided into by a certified survey map. Before enacting or adopting a certified survey map ordinance or resolution, the governing body of the municipality, town, or county must get the recommendation of its planning agency and hold a public hearing.

The bill provides that a municipality may enact or adopt a certified survey map ordinance or resolution that affects land in its extraterritorial plat approval jurisdiction if it has the authority to approve or object to plats within that area. Extraterritorial plat approval jurisdiction is defined in current law as land in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village. Under the bill, if more than one governing body has authority to enact or adopt a certified survey map ordinance or resolution that affects the same land, which could occur if a municipality enacts or adopts a certified survey map ordinance or resolution affecting land in its extraterritorial plat approval jurisdiction, and the certified survey map ordinances or resolutions have conflicting provisions, any certified survey map that affects that land must comply with the most restrictive provisions.

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

1 **SECTION 1.** 77.25 (2r) of the statutes is amended to read:

2 77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 ~~(1)~~ (1m) (e) or for the purpose of
3 a road, street, or highway, to the United States or to this state or to any
4 instrumentality, agency, or subdivision of either.

5 **SECTION 2.** 236.02 (12) (intro.) of the statutes is renumbered 236.02 (12) (am)
6 (intro.) and amended to read:

7 236.02 (12) (am) (intro.) ~~“Subdivision” is~~ Except as provided in par. (bm),
8 “subdivision” means a division of a lot, parcel, or tract of land by the owner thereof
9 or the owner’s agent for the purpose of sale or of building development, ~~where~~ and
10 to which any of the following applies:

SENATE BILL 502

1 **SECTION 3.** 236.02 (12) (a) of the statutes is renumbered 236.02 (12) (am) 1. and
2 amended to read:

3 236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites
4 of 1 1/2 acres each or less in area; or,

5 **SECTION 4.** 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

6 **SECTION 5.** 236.02 (12) (bm) of the statutes is created to read:

7 236.02 (12) (bm) "Subdivision" does not include a division of land by certified
8 survey map under s. 236.34, regardless of the number of parcels or building sites
9 created by the division, the size of the parcels or building sites, or the length of time
10 over which the division occurs.

INS. 5A1-1

11 **SECTION 6.** 236.03 (1) of the statutes is amended to read:

12 236.03 (1) Any division of land which that results in a subdivision as defined
13 in s. 236.02 (12) (a) (am) 1. shall be, and any other division may be, surveyed and a
14 plat thereof approved and recorded as required by this chapter. No map or survey
15 purporting to create divisions of land or intending to clarify metes and bounds
16 descriptions may be recorded except as provided by this chapter.

17 **SECTION 7.** 236.31 (2) of the statutes is amended to read:

18 236.31 (2) Any municipality, town, county, or state agency with subdivision
19 review authority may institute injunction or other appropriate action or proceeding
20 to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted
21 pursuant to under this chapter. Any such municipality, town, or county may impose
22 a forfeiture for violation of any such ordinance, and order an assessor's plat to be
23 made under s. 70.27 at the expense of the subdivider or the subdivider's agent when
24 a subdivision is created under s. 236.02 (12) ~~(b)~~ (am) 2. by successive divisions.

25 **SECTION 8.** 236.34 (1) (title) of the statutes is repealed and recreated to read:

SENATE BILL 502

1 236.34 (1) (title) DESCRIPTION AND USES.

2 SECTION 9. 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) and
3 amended to read:

4 236.34 (1) (am) A certified survey map of not more than 4 parcels of land, or
5 such greater maximum number specified by an ordinance enacted or resolution
6 adopted under par. (ar) 1., consisting of lots or outlots may be recorded in the office
7 of the register of deeds of the county in which the land is situated.

8 (bm) A certified survey map may be used to change the boundaries of lots and
9 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
10 certified survey map if the reconfiguration does not result in a subdivision or violate
11 a local subdivision regulation ordinance. (NS, SA1-2)

12 (cm) A certified survey map may not alter areas previously dedicated to the
13 public or a restriction placed on the platted land by covenant, by grant of an
14 easement, or by any other manner.

15 (dm) A certified survey map that crosses the exterior boundary of a recorded
16 plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels not
17 more than 4 parcels, or such greater maximum number specified by an ordinance
18 enacted or resolution adopted under par. (ar) 1., by a single owner, or if no additional
19 parcels are created. Such a certified survey map must be approved in the same
20 manner as a final plat of a subdivision must be approved under s. 236.10, must be
21 monumented in accordance with s. 236.15 (1), and shall contain owners' and
22 mortgagees' certificates that are in substantially the same form as required under
23 s. 236.21 (2) (a).

24 (1m) PREPARATION. A certified survey must meet the following requirements:

SENATE BILL 502

1 SECTION 10. 236.34 (1) (a) to (f) of the statutes are renumbered 236.34 (1m) (a)
2 to (f).

3 SECTION 11. 236.34 (1) (ar) of the statutes is created to read:

4 236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality,
5 town, or county that has established a planning agency may enact an ordinance or
6 adopt a resolution that specifies a maximum number of parcels into which land
7 situated in the municipality, town, or county may be divided by certified survey map
8 that is greater than 4. *INS. SA1-3*

9 2. Before the enactment of an ordinance or the adoption of a resolution under
10 subd. 1., the governing body of the municipality, town, or county shall receive the
11 recommendation of its planning agency and shall hold a public hearing on the
12 ordinance or resolution. Notice of the hearing shall be given by publication of a class
13 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be
14 published in a form suitable for public distribution.

15 3. Notwithstanding subd. 1., an ordinance enacted or resolution adopted under
16 subd. 1. by a municipality may specify the number of parcels into which land within
17 the extraterritorial plat approval jurisdiction of the municipality, as well as land
18 within the corporate limits of the municipality, may be divided by certified survey
19 map if the municipality has the right to approve or object to plats within that area
20 under s. 236.10 (1) (b) 2. and (2).

21 4. If more than one governing body has authority to enact an ordinance or adopt
22 a resolution under subd. 1. with respect to the same land and those governing bodies
23 enact ordinances or adopt resolutions with conflicting provisions, any certified
24 survey map affecting that land must comply with the most restrictive provisions.

25 SECTION 12. 236.34 (2) (a) of the statutes is amended to read:

INS. SA3-1

SENATE BILL 502

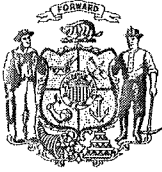
SECTION 12

1 236.34 (2) (a) Certified survey maps prepared in accordance with ~~sub.~~ subs. (1)
2 and (1m) shall be numbered consecutively by the register of deeds and shall be
3 recorded in a bound volume to be kept in the register of deeds' office, known as the
4 "Certified Survey Maps of County".

5 **SECTION 13.** 236.34 (2) (b) 2. of the statutes is amended to read:

6 236.34 (2) (b) 2. The certified survey map shows on its face all of the certificates
7 and affidavits required under ~~sub.~~ subs. (1) and (1m).

8 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1535/1
PJK:sac:jm

SENATE AMENDMENT 1,
TO SENATE BILL 502

January 28, 2014 - Offered by Senator LASEE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 7: delete lines 7 to 10 and substitute:

3 "236.02 (12) (bm) "Subdivision" does not include a division of land into 5 or
4 more parcels or building sites by a certified survey map in accordance with an
5 ordinance enacted or a resolution adopted under s. 236.34 (1) (ar) 1".

SAI-1

6 **2.** Page 4, line 8: delete lines 8 to 11 and substitute:

7 "(bm) A certified survey map may be used to change the boundaries of lots and
8 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
9 certified survey map if the reconfiguration does not result in a subdivision or violate
10 a local subdivision regulation ordinance or resolution".

SAI-2

11 **3.** Page 5, line 4: delete lines 4 to 8 and substitute:

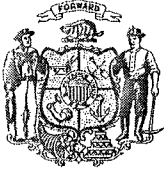
12 "236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality,
13 town, or county that has established a planning agency may enact an ordinance or

SAI-3

1 adopt a resolution that specifies a maximum number of parcels that is greater than
2 4 into which land that is situated in the municipality, town, or county and zoned for
3 commercial, industrial, or mixed-use development may be divided by certified
4 survey map.”.

5

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1863/1
PJK:sac:rs

SENATE AMENDMENT 3,
TO SENATE BILL 502

February 18, 2014 – Offered by Senator LASEE.

AUTHORS SUBJECT TO CHANGE

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 24: after that line insert:

3 SECTION 11m. 236.34 (1m) (em) of the statutes is created to read:

4 236.34 (1m) (em) 1. Except as provided in subd. 2., if the certified survey map
5 divides land into more than 4 parcels in accordance with an ordinance enacted or
6 resolution adopted under sub. (1) (ar) 1., notwithstanding pars. (b) and (c), the survey
7 and the map shall comply with ss. 236.15, 236.20, and 236.21 (1) and (2) and the map
8 shall be submitted to the department of administration for a review of the compliance
9 with those sections.

10 2. Subdivision 1. does not apply if any of the following applies:

11 a. The certified survey map is only changing the boundaries of lots and outlots
12 in a recorded plat, recorded assessor's plat under s. 70.27, or recorded certified

SAB-1

1 survey map, regardless of whether the certified survey map crosses the exterior
2 boundary of the recorded plat, assessor's plat, or certified survey map.

3 b. The certified survey map is dividing land that is wholly situated in a 1st class
4 city.

5 c. The certified survey map is dividing unincorporated land in a county with
6 a population of 500,000 or more.

7 **SECTION 11r.** 236.34 (1m) (er) of the statutes is created to read:

8 236.34 (1m) (er) 1. Except as provided in subd. 2., the certified survey map and
9 survey shall comply with the rules of the department of transportation described in
10 s. 236.13 (1) (e) and the map shall be submitted to the department of transportation
11 for a review of the compliance with those rules if all of the following apply:

12 a. The certified survey map divides land into more than 4 parcels in accordance
13 with an ordinance enacted or resolution adopted under sub. (1) (ar) 1.

14 b. The certified survey map is changing the external boundary of a recorded
15 plat, recorded assessor's plat, or recorded certified survey map.

16 c. The certified survey map or recorded plat, recorded assessor's plat, or
17 recorded certified survey map shows lots that abut or adjoin a state trunk highway
18 or connecting highway.

19 2. Subdivision 1. does not apply if any of the following applies:

20 a. The certified survey map is dividing land that is wholly situated in a 1st class
21 city.

22 b. The certified survey map is dividing unincorporated land in a county with
23 a population of 500,000 or more.".

24 (END)