

No. 600, A.]

[Published July 5, 1917.]

CHAPTER 560

AN ACT to create section 959—35n of the statutes, relating to the widening of streets and boulevards in any city of the first, second or third class, and establishing new lines for the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is added to the statutes to read: Section 959—35n. 1. Whenever the common council of any cities of the first, second or third class shall by resolution decide that it is necessary for the public use to widen any street or boulevard, or part thereof, and establish new boundary lines therefor, it may thereafter proceed in the same manner as now prescribed by law governing such city in cases of opening public streets and taking the necessary lands therefor, except as herein otherwise provided. Whenever a jury has determined that it is necessary for the public use to widen any such street or boulevard, or part thereof, and to establish new boundary lines therefor, the common council of such city may affirm or reject said verdict by a resolution. The confirmation of said verdict shall be deemed the establishment of new boundary lines for such street or boulevard, or part thereof. After the confirmation of said verdict by the common council of such city, a certified copy of the resolution of confirmation together with an accurate description of the lands to be taken shall be recorded in the office of the register of deeds of the county in which such street or boulevard is located, and such recording shall be sufficient compliance with section 3187a of the statutes requiring the recording of a final order, judgment, decree, or resolution, taking or affecting the land to be taken.

2. The mere establishment of said new boundary lines for any street or boulevard, or part thereof, by the confirmation of the verdict of the jury, as aforesaid, shall not be deemed a taking of the land, or any buildings or structures thereon; and no title to any such lands, or buildings or structures thereon, shall thereby pass to such city, nor shall such city thereby have the right to enter upon or appropriate any such lands, or buildings or structures thereon, to the public use, until such time as such city shall provide compensation for any lands, or buildings or structures thereon, taken, and complete the proceedings for taking the same, as hereinafter provided.

3. When at the time of establishing said new boundary lines of any street or boulevard, as aforesaid, there are no buildings or

structures upon the lands necessary to be taken for the widening of any street or boulevard, or part thereof, to the newly established boundary line of the same, the common council of such city shall direct, by resolution, that an assessment of benefits and damages, which may be caused by such widening, be made within such time as such common council may specify in said resolution, or within such further time as such common council may subsequently direct, and in the manner prescribed by law for the assessment of benefits and damages in cases of proceedings to open public streets in such city and thereafter the provisions of law for opening public streets in such city shall be applicable.

4. When there are buildings or other structures of any kind upon any of the lands declared necessary, as aforesaid, for the widening of any street or boulevard, such city may, in its discretion, wait until such buildings or structures are destroyed or demolished in any manner from any cause whatever, or are torn down or removed, for the purpose of rebuilding, or any other purpose, from such lands, before proceeding any further after the establishment of the new boundary lines of such street or boulevard, as aforesaid. After said buildings or structures are destroyed or demolished in any manner from any cause whatever, or are torn down or removed, as aforesaid, the common council of such city shall provide compensation for the lands to be taken and proceed to complete the proceedings in the same manner as herein provided in cases where there are no buildings or structures upon such lands at the time of establishing said new lines for such street or boulevard.

5. Such city, however, need not wait until any buildings or other structures located within the new boundary lines established for any street or boulevard are destroyed or demolished in any manner for any cause whatever, or are torn down or removed, as aforesaid, but after the confirmation of the verdict of a jury declaring that it is necessary to widen any street or boulevard, as aforesaid, the common council may proceed to provide compensation for any lands, or buildings or structures taken for such widening, and to complete the proceedings in the same manner as herein provided for when there are no buildings or structures upon the lands to be taken at the time of establishing said new boundary lines of any street or boulevard.

6. Whenever new boundary lines for any street or boulevard are established by the confirmation of the verdict of the jury, as aforesaid, it shall be unlawful for any person, firm or corporation to erect any new building, or other structure of any kind, within said lines on lands necessary to widen said street or boule-

ward or to rebuild or alter the front, or add to the height of any existing building within the newly established lines of said street or boulevard without making such building recede to conform to the newly established line of said street or boulevard. No damages shall be recovered for any new building or other structure, thus unlawfully erected, or for any existing building or structure located within the new line of said street or boulevard, the front of which is rebuilt or altered, or the height of which is added to, without making it recede to conform to the newly established line of said street or boulevard.

7. In case any building, or other structure, is not removed from the lands taken, as aforesaid, after the title to such lands has passed to the city and after three months' written notice is given to the owner thereof to remove the same, which notice shall be served in the manner directed by the common council of such city, such city may cause the same to be torn down or moved at its own expense and sell or otherwise dispose of the same, or the materials therein, and apply the proceeds to the expense of such removal and sale. Any excess expense thus incurred by such city shall be a lien on the balance of the owner's land abutting on said street or boulevard, and if not paid before the time for making out the annual tax list, shall be assessed against the balance of the owner's land abutting on said street or boulevard, and collected as taxes on real estate are collected in said city, and paid into the treasury of such city. In case the proceeds of said sale exceed the expense of such removal and sale, such excess shall be paid by such city to the person entitled thereto. In case the owner of said piece of land taken does not own the adjoining piece of land abutting on the new line, he shall be personally liable to said city for the expense of such removal.

8. Until such city shall have acquired title to all of the lands declared necessary to widen any street or boulevard, as herein provided, such city shall have the power, in its discretion, to lease those pieces of land to which it has acquired the title, to the person, firm or corporation only owning any such piece of land at the time such city acquired the title thereto, at an annual rental of not to exceed five per cent of the amount of damages awarded for any such piece of land, or of the purchase price thereof, if the same was purchased, or the market value thereof, if the same was donated to such city, in order that an even line of improvements may be preserved upon such street or boulevard, and that the owner of any piece of land, the title of which has passed to such city, may maintain improvements on the even line of the old street or boulevard until such city shall have ac-

quired title to all the pieces of land to be taken to widen the entire street or boulevard to the newly established line; and when such time shall arrive, the buildings or structures occupying said land by virtue of any aforesaid lease or leases, shall be removed by the owner thereof at the owner's expense within three months after notice from any such city to remove the same, and in case of failure of the owner to remove them within said three months, they shall be removed in the manner provided in subsection 7 hereof, but no damages whatever shall be recovered from any such city because of removal of any buildings or structures placed on any of said lands under said leases from any such city.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 2, 1917.

No. 648, A.]

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CHAPTER 561

AN ACT relating to the power of the state council of defense to meet emergencies arising in time of war and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. 1. Whenever the state council of defense shall find and determine that a serious scarcity of food, fuel, seeds, or any other personal property, necessary for common defense, or for the general public welfare as the same may affect or be affected by the common defense, exists or threatens while the nation is at war, or whenever while the nation is at war such council shall find and determine that the supply of any of said property is or threatens to be restricted or made unavailable for purposes of common defense or for such general public welfare by reason of excessive, extortionate, or prohibitive prices, then the council is authorized and empowered to take possession of such amounts of any of such property, as it may deem to be required for common defense or for such general public welfare, in the name of the state, and shall pay or offer to pay therefor just compensation to be determined by said council of defense.

2. Such council may also take possession of such warehouses, buildings, or other storage facilities as may be necessary and convenient properly to care for such property so taken in time of war, and use the same so long as may be required, and shall pay or offer to pay therefor just compensation for such use.

3. Such determination of the state council of defense that any such property is required or such facilities are necessary