

No. 610, A.]

[Published July 26, 1919.

CHAPTER 639.

AN ACT to create 1310a, 1310b, 1310c and 1310d of the statutes, relating to the laying out, opening, widening or extending of highways, driveways, parkways and boulevards in towns of counties having a population of two hundred fifty thousand or more.

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

SECTION 1. Four new sections are added to the statutes to read: Section 1310a. Whenever the county board of supervisors of any county having a population of two hundred fifty thousand or more shall intend to lay out, open, widen or extend any highway in or through any town or towns in said county for the purpose of improving the same or placing the same on the system of prospective state highways or the state trunk highway system and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the county clerk, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the county for such use or in fee; but otherwise they shall, by resolution, declare their purpose to take the same, and therein describe, by metes and bounds, the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel of land and the amount thereof owned by a distinct owner, so far as known, mentioning the names of the owners or occupants, so far as known. The provisions of section 1263 shall not be applicable to any proceedings brought hereunder.

Section 1310b. 1. Upon the passage of said resolution the county state road and bridge committee of said county board shall make an assessment of benefits and damages, as provided in section 899 and thereupon file same in the office of the county clerk; provided that where a highway is laid out, opened, widened or extended to a greater width than sixty-six feet the assessment of benefits shall not include such additional width.

2. As soon as such assessment shall be made, by the said county state road and bridge committee, it shall give notice to all parties interested, by advertisement for not less than four days in the official paper of said county, that such assessment has been made and is ready for inspection in the county clerk's office, and that the same will be open for review and correction by the said committee, at its usual place of meeting, for not less than four

days after the first publication of such notice, during certain hours, not less than two hours in each lay day, and that all persons interested will be heard by the said committee in objection to such assessment, and generally, in the matter of such review and correction. It will be sufficient to state in such notice, in brief, what such assessment has been made for, and in what locality, and no further notice or publication of such assessment shall be necessary. During the time mentioned in such notice, the committee shall hear objections and evidence, and it shall have power to review, modify and correct such assessment, in such manner as they shall deem just, at any time during such review, and for three days thereafter. The county clerk shall lay the same before the county board at its next meeting, and thereupon the county board may confirm or correct such assessments, or any of them, or may refer the same back to the county state road and bridge committee for revision and correction; and the said county board and the said committee shall respectively have the like powers, and perform the like duties, in relation to such assessment and any subsequent assessment made pursuant to such reference by the county board, as are prescribed and conferred in relation to the first assessment.

3. Any landowner, aggrieved by such assessment, may appeal therefrom to the circuit court within ten days after the confirmation of same by the county board, by filing in the office of the clerk of the circuit court a written notice of appeal together with an undertaking with two sufficient sureties, to be approved by the county clerk, to pay all costs that may be awarded against such appellant in said appeal. Thereupon such appeal shall be considered an action pending in said court, in which the landowner shall be plaintiff and the county defendant and be subject to a change of place of trial and appeal to the supreme court. Appeals shall be tried by jury, unless waived; and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise against the county. Upon entry of the judgment the clerk of the circuit court shall transmit a certified copy thereof to the county clerk. Any party not so appealing shall be forever concluded by such assessment.

Section 1310c. The county board, upon the approval of the assessment, may enact an ordinance laying out, opening, widening or extending said highway, and shall thereupon be entitled to enter upon such land upon the payment to the owner of the excess, if any, of the total damages over benefits awarded him by such award or appraisal, or such excess of damages be set apart for him in the hands of the county treasurer, and a county

order therefor lawfully executed to the owner of said lands be deposited with the county clerk to permanently remain subject to the order of such owner. At any time before causing any such land to be actually taken or put to public use and before the rendition of a judgment in the circuit court for damages, the county board may discontinue all proceedings theretofore taken, and the county shall in such event be liable for the costs only. Any highway or part thereof, acquired under the provisions hereof, shall thereafter be maintained at the expense of the county as other county highways.

Section 1310d. 1. For the purpose of the payment of the expenses, including the excess of damages and all other expenses and costs incurred for the taking of private property and of making the improvement above mentioned, the county board may, by resolution, levy and assess the whole or any part of such expenses as a tax upon such property in said town or towns as they shall determine is specially benefited thereby, and they shall include in said levy the whole or any part of the excess of benefits over total damages, if any, as confirmed by said county board, making therein a list thereof in which shall be described every lot or parcel of land so assessed and the amount levied thereon set opposite; provided that where a highway is laid out, opened, widened or extended to a greater width than sixty-six feet no assessment shall be made for that part of the cost and expense representing such additional width, as determined by the county board.

2. Such resolution, signed by the chairman of the county board of supervisors and countersigned by the county clerk, shall be published once in each week for two weeks in the official newspaper and a notice therewith that at a time therein stated, the county state road and bridge committee will meet at its usual place of meeting to hear all objections which may be made to such assessment or to any part thereof.

3. At the time so fixed the said committee shall meet and hear all objections, and for that purpose may adjourn from day to day. Said committee shall, at the next meeting of the county board of supervisors, report same together with its recommendations thereon, which board may, by resolution, modify such assessment in whole or in part at such meeting. At any time before the first day of November thereafter any party liable may pay any such tax to the county treasurer. On such first day of November, if any such tax remains unpaid, the county treasurer shall make a certified statement showing what taxes so levied remain unpaid and file the same with the county clerk, who shall certify same

to the proper town clerk to be extended upon the tax roll of such town in addition to and as part of all other taxes therein levied on such land, to be collected therewith and paid over to said county.

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

Approved July 15, 1919.

No. 678, A.]

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CHAPTER 640

AN ACT to amend section 1 of chapter 590, laws of 1917, authorizing a refund of license moneys in certain cases.

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

SECTION 1. Section 1 of chapter 590, laws of 1917, is amended to read: (Chapter 590, laws of 1917) Section 1. If * * * for any reason, * * * not, however, the fault of the licensee, the sale of spirituous, vinous or malt liquors is * * * prohibited * * * during the * * * license year, any licensee holding a license for the manufacture or sale of any such liquors for such license year shall, upon the surrender of any such license, be entitled to a refund of such proportionate share of the amount paid for such license as the remainder of the year for which granted, from the time of such surrender, bears to the whole year.

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

Approved July 22, 1919.

No. 627, A.]

[Published July 26, 1919.

CHAPTER 641.

AN ACT to amend subdivision (9) of section 669 of the statutes, relating to county boards.

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

SECTION 1. Subdivision (9) of section 669 of the statutes is amended to read: (Section 669) (9) To purchase land not exceeding in value the sum of eight thousand dollars for the purpose of holding thereon fairs and exhibitions of an agricultural character and to grant the use thereof from time to time to agricultural and other societies of similar nature. All fences, buildings, sheds and other improvements made on such lands by societies using the same shall be the property of the county; and