

No. 617, S.]

[Published August 4, 1953.

#### CHAPTER 545

AN ACT to create 281.30 of the statutes, relating to removing certain restrictive covenants affecting the use of certain real estate.

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

281.30 of the statutes is created to read:

281.30 REMOVAL OF RESTRICTIONS. (1) When all or part of the area of any city block is affected by restrictive deed provisions, restrictive covenants or agreements, and when the first said restriction affecting said property has existed for 30 years or more, and when 75 per cent or more of the area of said city block has not been developed with buildings of the type allowed by said restrictions, the owner of any part of said block may commence an action in the circuit court of the county where said land lies to remove said restrictive deed provisions, restrictive covenants or agreements. All adjacent property owners shall be named as defendants and shall be served with a copy of the complaint.

(2) Notice of the commencement of the action and the area affected shall be published once each week for 3 weeks prior to time of hearing in a newspaper having general circulation within the county. A lis pendens shall be filed in the office of the register of deeds upon commencement of said action.

(3) The court may enter a judgment releasing said area from the effect any restrictive deed provision, restrictive covenant or agreement contained whether the same appears in

the deed to the area or block involved or in the deed to other lands or lots. No costs shall be allowed or taxed against the defendants in such action.

(4) Any property owner affected by the removal of said restrictions may petition in the action, to be allowed actual damages, to compensate him for any actual damages he may sustain by such removal. No damages shall flow automatically from said removal and damages shall be allowed by the court only upon a showing of actual injury. The court in granting or denying same shall take into consideration the development of the surrounding area including the commercial development in the immediate neighborhood.

Approved July 14, 1953.

---