

No. 362, S.]

[Published July 13, 1907.]

CHAPTER 568.

AN ACT to amend section 2216 of the statutes, relating to acknowledgments of conveyances.

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

SECTION 1. Section 2216 of the statutes is amended to read:

Approved July 11, 1907.

(In effect from and after date of publication.)

No. 253, S.]

[Published July 13, 1907.]

CHAPTER 569.

AN ACT to create sections 926—125k to 926—125q, inclusive, of the statutes authorizing and empowering cities of the state, whether organized under special charter or incorporated under the general laws of the state for the incorporation of cities, to vacate grounds, waterways, street and alleys.

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

SECTION 1. There are added to the statutes seven sections to read:

Approved July 11, 1907.

(In effect from and after date of publication.)

Board of public works to supervise constructions. SECTION 926—101m. Whenever said board of commissioners shall adopt any plans and specifications for the erection of any building, the board of public works shall have the immediate supervision and superintendence of the construction, and of the laying of conduits in the public streets and of the necessary excavation, refilling and repaving caused thereby.

(Ch. 467, 1907.)

Commission's reports, estimates and disbursements. SECTION 926—101n. The said commission shall make an annual report and such other reports required to the common council of all its doings and expenditures in connection with said lighting and power plant, and shall annually certify to the common council and the city comptroller on or before the first day of December the amount of money required for the maintenance of their department and the contemplated extensions for the next ensuing year.

All moneys set aside by the council in the annual budget for the maintenance and extension of said city lighting and power plant, shall be subject to disbursement by said commission upon orders issued by them, payable at the city treasurer's office.

(Ch. 467, 1907.)

Cities, 3rd class: high school buildings. SECTION 926—104m. The board of education of any city of the third class, organized under a special charter which authorizes such board to purchase sites and erect high school buildings, may select any such site or erect any such building without restriction as to any territorial limitation that may be contained in the charter of such city.

(Ch. 69, 1907.) Numbered 926-104m by sec. 2, ch. 676, 1907.

Cities, 1st class: vacation of public grounds and ways; freeholders' petition therefor. SECTION 926—125k. 1. The common council of any city of the first class under special or general charter may vacate grounds, waterways, streets and alleys under the provisions of this act.

2. Any ten or more freeholders residing in any ward of such city may present a petition to the common council for the vacation of a ground, waterway, street or alley, or part thereof, within the ward where such petitioners reside, stating the va-

cation sought and the names and residences of the owners of abutting premises.

3. Every signer shall give a description of his real estate sufficient to show that he is a freeholder and shall state his residence and annex his affidavit that he is a resident and freeholder in said ward and that the names and residences of the owners of the premises abutting upon the property sought to be vacated, so far as they are known to him are correctly set forth in such petition.

4. Such petition shall be valid and effectual although it afterward appear that such signers, or some of them, were not residents and freeholders, or that the names and residences of the owners of the lands so abutting were not correctly stated in such petition.

5. Persons in actual possession of real estate under valid contracts of purchase are freeholders within the meaning and for the purposes of this act.

(Ch. 569, 1907.)

Consent of abutters. SECTION 926—125l. Such petition must be accompanied by the consent in writing of all the owners of property abutting on the premises proposed to be vacated, which consent shall be in a form prepared by the city attorney.

(Ch. 569, 1907.)

Survey and plat. SECTION 926—125m. 1. Upon the presentation of such petition, the common council shall direct the city engineer to make and file with the city clerk a survey and plat of the proposed vacation.

Notice to abutters; application for viewers. 2. The common council shall thereupon direct the city clerk to cause notice of such petition to be given owners and occupants of such abutting premises, which notice shall contain a description of such abutting premises and the premises sought to be vacated, and shall state that application will be made to the circuit court of the county for the selection of a jury to view such premises and to determine whether the vacation sought is necessary. Such application shall not be less than four weeks after the first publication of notice.

(Ch. 569, 1907.)

Vacation on common council's initiative. SECTION 926—125n. 1. Any common council by a two-thirds vote of the mem-

bers elect may proceed, as herein provided without a petition or the consent of abutting owners.

2. Such council shall declare by resolution that it is necessary for the public interests so to proceed. No such resolution shall be passed by the common council at the same time at which it is presented and the ayes and nays on its passage shall be taken and entered on the journal of the proceedings of the council.

(Ch. 569, 1907.)

Condemnation proceedings: council to confirm. SECTION 926—125o. 1. All further proceedings for such vacation shall be taken in like manner as condemnation proceedings in cities acting under general or special charter, except as otherwise provided herein.

2. Before any premises shall be finally vacated under this act the proceedings shall be confirmed by resolution adopted by the vote of two-thirds of all the aldermen elect of such city.

(Ch. 569, 1907.)

Time limit on actions to annul, and on reconsideration. SECTION 926—125p. No action shall hereafter be brought for the purpose of annulling proceedings heretofore had for the vacation of any premises in any city unless the same be commenced within one year from the passage and publication of this act, and whenever proceedings to vacate certain premises under this act shall not be confirmed by the vote of two-thirds of the aldermen elect as provided in section 926—125o hereof, no proceedings for the vacation of the same premises shall be instituted under this act within one year after the rendering of the verdict of the prior jury.

(Ch. 569, 1907.)

Court orders: actions to annul or set aside; statute of limitation. SECTION 926—125q. No action shall hereafter be brought or maintained to annul or set aside any final order of any circuit court heretofore made or entered for the vacation of any public grounds, waterway, plat, street, or alley, or any part thereof, where no adverse appearance was made in the proceedings preliminary thereto, nor damages claimed therefor unless such action be commenced within one year from the passage and publication of this act.

(Ch. 569, 1907.)