

CHAPTER 351

AN ACT to amend 236.01 (4); to repeal and recreate 236.16; and to create 59.57 (16), 236.01 (9), 236.025 and 236.165 of the statutes, relating to the subdivision and platting of lands, and providing penalties.

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

SECTION 1. 236.01 (4) of the statutes is amended to read:

236.01 (4) A "subdivision" is * * * *the division or redivision of a lot, tract or parcel of land into * * * 3 or more * * * parcels of 1½ acres each or less in area for the purpose, whether immediate or future, of conveyancing, sale or building development. The word "lot" when used in this chapter means such parcels in land divisions and subdivisions. Actual conveyance or building development of more than 2 lots created by a land division within one year from the time of division shall be prima facie evidence of an intention to divide for the purpose of conveyancing, sale or building development.*

SECTION 2. 236.01 (9) of the statutes is created to read:

236.01 (9) Metes and bounds descriptions of parcels of land are all identifying descriptions of lands that are not stated as being the whole or an aliquot part of a lot or block or outlet in a recorded subdivision plat, or private claim, or United States government land description. As used in this definition, United States government land "description" means a tract or parcel, identified by a United States government public land survey, which may be a section, or a quarter, half-quarter or quarter-quarter section, including those designated as a fractional, or a United States government lot. Descriptions of parcels using bearings and distances, or as being of a uniform width along a boundary, or otherwise identified by reference to a boundary, in a manner sometimes referred to as "blocking descriptions," are metes and bounds descriptions.

SECTION 3. 236.025 of the statutes is created to read:

236.025 FINAL PLAT RECORDED. When any owner or his agent shall make a subdivision, he shall cause a final plat thereof in full compliance with this chapter to be made and recorded in the office of the register of deeds of the county in which any portion of the land is located. It shall be unlawful for any owner or his agent to convey or offer to convey any subdivision or part thereof until such final plat is so made and recorded.

SECTION 4. 236.16 of the statutes is repealed and recreated to read:

236.16 METES AND BOUNDS CONVEYANCES. (1) A parcel of land, the title to which has been conveyed according to a metes and bounds description contained in a deed that is of record in the office of the register of deeds on the effective date of this section, may be sold or otherwise conveyed in its entirety according to such metes and bounds description of record, notwithstanding the requirements of any provision of this chapter. A sale or conveyance of land within a city or village or its plat approval jurisdiction as provided by s. 236.06, or within a town in counties having a population exceeding 500,000 divided after the effective date of this section, according to a metes and bounds description, shall be made as provided by this section.

(2) After the effective date of this section, an owner of land within a city or village or its plat approval jurisdiction, or within a town in counties having a population exceeding 500,000 in order to convey or contract to convey a parcel thereof, whose boundaries are to be specified by metes and bounds, shall cause such parcel to be surveyed, monumented and a map thereof made, as provided by this section. The map shall be drawn with waterproof, nonfading black ink on one or more sheets of tracing cloth of a uniform width of 10 inches and length of 16 inches, to a scale not more than 40 feet per inch, in case the area is not more than 2 acres, and to a suitable greater scale if the area is greater. There shall be a one-inch binding margin on the left side of the 16-inch length. The scale shall be shown graphically. When more than one sheet is used, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets and its relation to the other sheet. The map shall show the location of the parcel by government lot, quarter-quarter section, township, range and county, its exact location with reference to a United States public land survey corner by bearings and distances, and the roads or streets by which access to the parcel is provided, whether such be by an existing road or street, or by a new dedication, or be included in the conveyance. The bearings and the distances of the exterior boundaries shall be shown and if a curve is used, the radius, and the length and bearing of the main chord. Iron pipes not less than 30 inches long and at least one inch in diameter, or monuments of concrete not less than

30 inches long and 5 inches in diameter, and marked on top with a cross, brass plug or iron rod securely imbedded, shall be placed at each angle point in the boundary and at the beginning and end of curves, and be flush with the surface of the ground where practicable. The map shall bear on its face the certificate of the owner that he caused the survey and map to be made and the certificate of the surveyor that the map is a correct representation of the parcel and its location.

(3) No conveyance of lands according to metes and bounds descriptions in a city, village, county or town wherein a zoning ordinance is in effect, shall be valid if the effect of such conveyance is to create a separate ownership of a parcel or an area of dimensions that do not meet the minimum requirements of s. 236.03 (7), and such zoning ordinance, and no such conveyance shall be valid unless access to such a parcel is provided by an existing public road or street, or by a new road or street of a width required by the governing body which shall be at least 3 rods, or by a new dedication of such width, or by a right of way of such width included in the conveyance.

(4) No conveyance of lands within a city or village or its plat approval jurisdiction or within a town in counties having a population exceeding 500,000, describing the premises according to metes and bounds descriptions shall be recorded after September 30, 1953, unless accompanied by the map as provided by this section, and no conveyance whereby a land division is effected after September 30, 1953, shall be recorded unless the accompanying map shall bear on its face the certificate of the governing body of the city or village having plat approval jurisdiction over such lands and in counties having a population exceeding 500,000 the county and the town in which such lands are situated, that the provisions of this section have been complied with. When so recorded, the conveyance shall bear a reference to the accompanying map, which shall be filed in a book provided for that purpose. For subsequent sales or other conveyances of the lands shown on the map, in their entirety, a reference by volume and page to the map on file shall be sufficient.

(5) All land divisions adjoining any lake or stream, or where provision is made for access to any lake or stream, shall comply with the rules, regulations and standards of the state board of health prescribed to insure proper sanitary conditions in the development and maintenance of lake and stream plats pursuant to s. 140.05. Maps of land divisions shall show the water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations, which shall be referred to a permanent established datum plane.

SECTION 5. 236.165 of the statutes is created to read:

236.165 PENALTIES. (1) It shall be unlawful to convey or offer for conveyance lots of any land division or subdivision, or any part thereof, by reference to any map or plat not made as provided by this chapter. Failure to comply with the provisions of this chapter with respect to land divisions or subdivisions shall subject any person who has failed so to comply, to the penalties and remedies of this subsection, in addition to others provided by this chapter, as follows:

(a) A fine of not less than \$25 and not more than \$500.

(b) At the suit of the city or village if the land is within its plat approval jurisdiction, or the county or the town in which the land is located if no city or village has jurisdiction, or of any other interested party, any such person may be enjoined and restrained from conveying, leasing or developing any lands divided in violation of this chapter.

(c) A forfeit of \$50 per lot conveyed in violation of this chapter. Such forfeit shall be collectible in an ordinary civil action by the city or village if the land is within its plat approval jurisdiction, or by the county or by the town in which the land is located if no city or village has jurisdiction.

(d) All leases, conveyances or offers to convey lands divided in violation of this chapter shall be voidable at the option of the lessee or person to whom conveyance is made, his heirs, personal representative or trustee in insolvency or bankruptcy within one year after the effective date of such lease or conveyance, but such document shall be binding upon the vendor, his assignee, heirs, personal representative or devisee.

(2) Nothing herein contained shall be deemed to bar any remedy to which any aggrieved municipality, or other political subdivision, or person may otherwise be entitled.

Approved June 25, 1953.