

No. 314, A.]

[Published September 13, 1961.

**CHAPTER 445**

AN ACT to amend 62.23 (6) (d) of the statutes, relating to the street, highway or parkway system in the city plan.

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

62.23 (6) (d) of the statutes is amended to read:

62.23 (6) (d) For the purpose of preserving the integrity of such official map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway, shown or laid out on such map except as provided in this section. The \* \* \* *street, highway or parkway system* shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by the city council or village board is required as provided by s. 236.10 (1) (b) 2. Any person desiring to construct a building in the bed of a street, highway or parkway so shown as extended may apply to the authorized official of the city or village for a building permit. Unless such application is made, and the permit granted or not denied within 30 days, such person shall not be entitled to compensation for damage to such building in the course of construction of the street, highway or parkway. If the land within such mapped street, highway or parkway is not yielding a fair return, the board of appeals in any municipality which has established such a board having power to make

variances or exceptions in zoning regulations, shall have power in a specific case, by the vote of a majority of its members, to grant a permit for a building in such street, highway or parkway, which will as little as practicable increase the cost of opening such street, highway or parkway, or tend to cause a change of such official map; and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall be designated to promote the health, convenience, safety or general welfare of the community. Such board shall refuse a permit where the applicant will not be substantially damaged by placing his building outside the mapped street, highway or parkway.

Approved September 9, 1961.

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