

1983 Assembly Bill 467

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1983 Wisconsin Act 482

AN ACT to renumber and amend 59.635 (1) and 59.635 (5); to amend 59.60 (2), 59.60 (6), 59.635 (2) and 59.635 (7); and to create 59.635 (1) (b) and 59.635 (5) (b) of the statutes, relating to notification of county surveyors prior to removal of a landmark and creating a penalty.

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

SECTION 1. 59.60 (2) of the statutes is amended to read:

59.60 (2) Make by himself or herself or a deputy a record in books or on drawings and plats kept therefor, of all corners set and the manner of fixing the same and of all bearings and the distances of all courses run, of each survey made by him, his deputies, or

other land surveyors and so arrange or index the same as to be easy of reference and file and preserve in his office the original field notes and calculation thereof; and within 60 days after completing any survey, make a true and correct copy of the foregoing record, in record books or on reproducible papers to be furnished by the county and kept in file in the office of the county surveyor to be provided by the county. In a county having a population of 500,000 or more where there is no county surveyor, a copy of the record shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 2. 59.60 (6) of the statutes is amended to read:

59.60 (6) Surveys for individuals or corporations may be performed by any land surveyor who is employed by the parties requiring his services, providing that within 60 days after completing any survey he files a true and correct copy of the survey in the office of the county surveyor. In counties having a population of 500,000 or more the copy shall be filed in the office of the register of deeds and in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 3. 59.635 (1) of the statutes is renumbered 59.635 (1) (a) and amended to read:

59.635 (1) (a) No landmark, monument, corner post of the government survey or survey made by the county surveyor or survey of public record ~~shall may~~ be destroyed, removed, or covered by any material that will make ~~said the~~ landmark, monument, or corner post inaccessible for use, without first having erected as ~~hereinafter provided~~ witness or reference monuments as provided in par. (b) for the purpose of identifying the location of such the landmark and making a certified copy of the field notes of the survey setting forth all the particulars of the location of said the landmark with relation to the reference or witness monuments so that its location can be determined after its destruction or removal and filing the same in a manner hereinafter provided. The certified copy of the field notes shall be filed as provided under sub. (2) (b).

SECTION 4. 59.635 (1) (b) of the statutes is created to read:

59.635 (1) (b) Witness monuments shall be made of durable material of cement, natural stone, iron or other equally durable material, except wood. If iron pipe monuments are used, they shall be made of 2 inch or more galvanized iron pipe not less than 30 inches in length having an iron or brass cap fastened to the top and marked with a cross cut on the top of the cap where the point of measurement is taken. If witness monuments are made of cement, stone or similar material, they shall be not less than 30 inches in length nor less than 5 inches in diameter along the shortest diagonal marked on the top with a cross where the point of measurement is taken.

SECTION 5. 59.635 (2) of the statutes is amended to read:

59.635 (2) (a) Whenever it becomes necessary to destroy, remove or cover up in such a way that will make it inaccessible for use, any landmark, monument of survey, or corner post within the meaning of this section, the person including employes of governmental agencies who intend to commit such act shall serve written notice at least 30 days prior to the act upon the county surveyor of the county within which ~~said the~~ landmark is located, ~~except that such notice.~~ Notice shall also be served upon the city or village engineer if such the landmark is located within the corporate limits of a municipality, to the effect that he, or they, deem it necessary to remove or destroy or cover such landmark, giving. The notice shall include a legal description of the same together with landmark, monument of survey or corner post and the reason for doing so removing or covering it. In this subsection, removal of a landmark includes the removal of railroad track by the owner of the track. In a county having a population of less than 500,000 where there is no county surveyor, notice shall be served upon the county clerk. In a county having a population of 500,000 or more where there is no county surveyor, notice shall be served

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upon the executive director of the regional planning commission which acts in the capacity of county surveyor for the county. Notwithstanding sub. (3), upon receipt of the notice the county clerk shall appoint a registered land surveyor to perform the duties of a county surveyor under par. (b).

(b) The county surveyor or executive director of the regional planning commission, upon receipt of ~~said~~ notice under par. (a), shall within a period of not to exceed 30 working days, either ~~by himself personally~~ or by a deputy, or by the city or village engineer make an inspection of ~~said~~ the landmark, and, if he or she deems it necessary because of the public interests to ~~remove said~~ erect witness monuments to the landmark, he or she shall erect 4 or more witness monuments or, if within a municipality, may make 2 or more offset marks at places near ~~said~~ the landmark and where they will not be disturbed. ~~He~~ The county surveyor shall make a survey and field notes giving a description of the landmark and the witness monuments or offset marks, stating the material and size of the witness monuments and locating the offset marks, the horizontal distance and courses in terms of the references set forth in s. 59.60 (2) that the witness monuments bear from the landmark and, also, of each witness monument to all of the other witness monuments. ~~He~~ The county surveyor may also make notes as to such other objects, natural or artificial, as that will enable anyone to locate the position of the landmark. ~~The witness monuments shall be made of durable material of cement, natural stone, iron or other equally durable material, except wood. If iron pipe monuments are used, they shall be made of 2 inch or more galvanized iron pipe not less than 30 inches in length having an iron or brass cap fastened to the top and marked with a cross cut on the top of the cap where the point of measurement is taken. If witness monuments are made of cement, stone or similar material, they shall be not less than 30 inches in length nor less than 5 inches in diameter along the shortest diagonal marked on the top with a cross where the point of measurement is taken.~~ The county surveyor upon completing the survey shall make a certified copy of the field notes of the survey and record it as provided under s. 59.60. The city or village engineer upon completing the survey shall record the notes in his or her office, open to the inspection of the public, and shall file a true and correct copy with the county surveyor. In a county having a population of 500,000 or more, in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 5m. 59.635 (5) of the statutes is renumbered 59.635 (5) (a) and amended to read:

59.635 (5) (a) Any ~~Except as provided in par. (b),~~ any person who removes, destroys or makes inaccessible any landmark, monument of survey, corner post of government survey, survey made by the county surveyor or survey of public record without first complying with this section shall be fined not to exceed \$1,000 or imprisoned in the county jail for not more than one year.

SECTION 5r. 59.635 (5) (b) of the statutes is created to read:

59.635 (5) (b) Any person who removes railroad track as provided in sub. (2) (a) without first complying with sub. (2) (a) shall be subject to a forfeiture not to exceed \$1,000.

SECTION 6. 59.635 (7) of the statutes is amended to read:

59.635 (7) Any registered land surveyor employed by the department of transportation or by a county highway department, may, incident to employment as such, assume and perform the duties and act in the capacity of the county surveyor under this section with respect to preservation and perpetuation of landmarks, witness monuments and corner posts upon and along state trunk, county trunk and town highways. Upon completing a survey and perpetuating landmarks and witness monuments under sub. (2) a land surveyor employed by the state shall file the field notes and records in the district office or main office of the department of transportation, and a land surveyor employed

by a county shall file the field notes and records in the office of the county highway commissioner, open to inspection by the public, and in either case a true and correct copy of the field notes and records shall be filed with the county surveyor. In a county having a population of 500,000 or more where there is no county surveyor, a copy of the field notes and records shall also be filed in the office of the regional planning commission which acts in the capacity of county surveyor for the county.

SECTION 7. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
59.635 (5m)	subs. (1), (2) and (3)	subs. (1)(a) and (2)(a)
59.635 (7)	sub. (2)	sub. (2)(b)
