

No. 308, A.]

[Published June 25, 1949.

CHAPTER 315.

AN ACT to create 62.075 of the statutes, relating to detachment of agricultural lands from cities.

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

62.075 of the statutes is created to read:

62.075 DETACHMENT OF FARM LANDS FROM CITIES. (1) PROCEDURE. When land used for agricultural purposes of an area of 200 acres or more contiguous to the boundary of any city, whether of one or more farms, which shall have been within the corporate limits of such city for 20 years or more, and during all of said time shall have been used exclusively for agricultural purposes, the circuit court of the county in which such land is situated shall enter judgment detaching such land from such city and annexing it to an adjoining town or towns, if the provisions of this section shall have been complied with. Such detachment and annexation thereof shall become effective for all purposes on the first day of January next thereafter, and the procedure therefor shall be sub-

stantially as provided in subsections (3) and (4). There shall be no adjustment, assignment and transfer of assets and liabilities under the provisions of section 66.03, but the detached territory shall continue to pay its pro rata share, based on assessed valuation, of the bonded indebtedness of the city at the time of detachment.

(2) LAND ELIGIBLE. No owner shall be eligible to sign a petition for the detachment of any such territory unless he be the owner of a parcel of land comprising at least 20 acres. No such land shall be detached from any city unless the remaining territory of said city shall be left reasonably compact and the boundaries thereof left substantially regular. No lands shall be eligible for detachment where any public improvements have been extended to or installed for the benefit of such lands.

(3) HEARING; NOTICE. When the owner or owners of all of the said lands of any such area shall file a verified petition in the office of the clerk of said court, setting forth the facts in accordance with subsections (1) and (2), the court shall make an order fixing the time of hearing thereof, which shall not be less than 60 nor more than 90 days thereafter, and at least 40 days prior to said time fixed, notice of hearing of such petition shall be served on such city, town or towns and all owners found in this state of any land in such area, in the manner provided by sections 262.08 and 262.09 for the service of summons, and shall be served on all owners of any such land not found in this state and on all other persons interested in such lands, by publication of such notice once a week for 3 successive weeks in such newspaper as the court shall in such order designate, the first publication to be within 15 days after such order. Said notice shall be in substantially the following form:

Notice is hereby given that the petition of.....will be heard by the circuit court ofcounty, at the court house, in the city of, Wisconsin, on the day of, 19..., at M., or as soon thereafter as counsel can be heard. That said petition prays for the detachment of the following area of land from the city of..... and annexation to the town of, in accordance with section 62.075 of the Wisconsin statutes, which area of land is described as follows:

Dated.....
.....
Petitioner's Attorney

P. O. Address.....

(4) OBJECTIONS; DECISIONS; APPEAL. Such city, town or towns, owners of land in such vicinity, or owners of any interest therein, if opposed to said proceedings, shall, at least 15 days before the time of hearing fixed by said order, file in the office of said clerk of court and serve on the petitioners their verified objections to the granting of the prayer of the petition, specifying the grounds of objections thereto. Said proceedings may be adjourned or continued for cause. The issue raised by the petition shall be tried by the court upon the evidence submitted by the petitioners and objectors; and witnesses shall be compelled to appear and testify as in other cases in said court and the rules of evidence, practice and procedure shall be the same. The court may in its discretion render judgment in accordance with subsections (1) and (2) of this section, detaching from such city and annexing to such town or towns such area, if the facts required by said subsections be proved by a preponderance of the evidence; as to any land that such facts be not so proved, the petition shall be dismissed. In the event of a contest costs may be awarded to the successful party. Any person aggrieved by the final judgment may have a bill of exceptions served, settled and signed according to the statutes and rules of court; and may appeal to the supreme court from such judgment within 6 months after service of notice of entry thereof by serving a notice of appeal and undertaking in the form and manner provided by sections 274.11 to 274.16.

(5) NOTICE OF ENTRY OF JUDGMENT; UPON WHOM SERVED. A certified copy of every such order shall be filed with the town and city clerk, also with the county clerk and secretary of state.

(6) SCHOOL DISTRICTS. No lands detached from any city pursuant to this section shall be eligible for detachment from any school district.

(7) PLATTED LANDS. No land which has been platted may be detached, and any land detached pursuant to this section shall not be eligible for platting pursuant to chapter 236 unless re-annexed to the city.

Approved June 22, 1949.