

No. 434, A.]

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CHAPTER 592.

AN ACT to amend 80.11 (3) and (4) of the statutes, relating to a flowage and equitable apportionment of town line roads resulting therefrom.

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

80.11 (3) and (4) of the statutes are amended to read:

80.11 (3) The said supervisors, upon laying out, altering or widening such highway may determine, in the order, what part of such highway shall be made and kept in repair by each town, and what share of the damages, if any, shall be paid by each; and each town shall have all the rights and be subject to the liabilities in relation to the part of such highway to be made or repaired by it as if it were wholly located in such town. If no such apportionment shall have been made in the order laying out, altering or widening such highway or any part thereof; or if such highway or any part thereof shall have had its origin in user; or if in the judgment of said supervisors circumstances have so altered since the last previous apportionment or reapportionment of such highway or any part thereof as to render the same inequitable or impracticable, a majority of the supervisors of each town, meeting together, may make such order apportioning or reapportioning such highway or any part thereof as they may deem advisable, which order shall be filed as hereinbefore provided. When so made such order shall be of the same force and effect as an order made in connection with the original laying out of such highway. Any written order or agreement heretofore made by a majority of the supervisors of each town concerned, acting together, apportioning or reapportioning a town line highway is hereby validated and shall be of the same force and effect as though made after the enactment hereof. *Where flowage crosses and covers a portion of a town line road, then that part of such order which previously fixed their respective liabilities shall be deemed vacated.*

(4) If by any change of the boundaries of either or both such towns *including that caused by flowage* the territory of either shall be increased or diminished, or in the event a portion of said town line highway is or has been taken over by the state or county under the state or county highway system, or if a new town or village be formed out of a part of the territory of either or both of said towns, having a portion of such town line highway within its borders or if a portion of a town line road is crossed and covered by flowage, that part of such order fixing their liabilities shall be deemed vacated, and a majority of the supervisors of each such town shall, before the time for making the next tax roll, meet together with a majority of the supervisors of such new town or with the president of such village, and all of them when so convened shall, if they can agree, make a new order apportioning the liabilities on account of such highway, which shall be filed as hereinbefore provided.

Approved July 6, 1951.
