

No. 765, S.]

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CHAPTER 732.

AN ACT to repeal 70.26; to amend 236.02; and to repeal and recreate 70.27 of the statutes, relating to assessors' plats.

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

SECTION 1. 70.26 of the statutes is repealed.

SECTION 2. 70.27 of the statutes is repealed and recreated to read:

70.27 ASSESSOR'S PLAT. (1) WHO MAY ORDER. Whenever any area of land is owned by 2 or more persons in severalty, and when in the judgment of the governing body having jurisdiction, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment and taxation without noting the metes and bounds of the same, such governing body may cause a plat to be made for such purposes. Such plat shall be called "assessor's plat", and shall plainly define the boundary of each parcel, and each street, alley, lane or roadway, or dedication to public or special use, as such shall be evidenced by the records of the register of deeds. Such plats in cities may be ordered by the city council, in villages by the village board, in towns by the town board or the county board. The actual and necessary costs and expenses of making assessors' plats shall be paid out of the treasury of the city, village, town or county whose governing body ordered the plat, and all or any part of such cost may be charged to the land so platted in the proportion that the last assessed valuation of each parcel bears to the last assessed total valuation of all lands included in the assessor's plat, and collected as a special assessment on such land, in the manner provided by section 62.16 (6).

(2) **CERTIFICATION, APPROVAL, RECORDING.** Such plat, when completed and certified as provided by this section, and when approved by the governing body, shall be acknowledged by the clerk thereof and recorded in the office of the register of deeds.

(3) **ASSESSMENT, TAXATION, CONVEYANCING.** Reference to any land, as it appears on a recorded assessor's plat shall be deemed sufficient for purposes of assessment and taxation. Conveyance may be made by reference to such plat and shall be as effective to pass title to the land so described as it would be if the same premises had been described by metes and bounds. Such plat or record thereof shall be received in evidence in all courts and places as correctly describing the several parcels of land therein designated. After an assessor's plat has been made and recorded with the register of deeds as provided by this section, all conveyances of lands included in such assessor's plat shall be by reference to such plat. A deed purporting to convey any such lands except by reference to such assessor's plat shall not be recorded by the register of deeds.

(4) **AMENDMENTS.** Amendments or corrections to an assessor's plat may be made at any time by the governing body by recording with the register of deeds a plat of the area affected by such amendment or correction, made and authenticated as provided by this section. It shall not be necessary to refer to any amendment of the plat, but all assessments or instruments wherein any parcel of land is described as being in an assessor's plat, shall be construed to mean the assessor's plat of lands with its amendments or corrections as it stood on the date of making such assessment or instrument, or such plats may be identified by number.

(5) **SURVEYS, RECONCILIATIONS.** The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication, and set temporary monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section, and make a map thereof to a scale not more than 100 feet per inch. The owners of record of lands in the plat shall be notified by registered letter mailed to their last known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It shall be the duty of the surveyor making the plat to reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body shall be in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, such lines may be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every assessor's plat, as certified to the governing body, shall appear the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number or letter by which such parcel is designated on the plat.

(6) **MONUMENTS, PLAT REQUIREMENTS.** The provisions of section 236.03 as to monuments, and the provisions of section 236.04 as to form and procedure, insofar as they are applicable to the purposes of assessors' plats, shall apply.

(7) **CERTIFICATE.** When completed, the assessor's plat shall be filed with the clerk of the governing body that ordered the plat. On its title page shall appear the sworn certificate of the surveyor who made the plat, which shall state and contain:

(a) The name of the governing body by whose order the plat was made, and the date of the order.

(b) A clear and concise description of the land so surveyed and mapped, by government lot, quarter quarter-section, township, range and county, or if located in a city or village or platted area, then according to the plat; otherwise by metes and bounds beginning with some corner marked and established in the United States land survey.

(c) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel thereof.

(d) A statement that he has fully complied with the provisions of this section in filing the same.

(8) **PLAT FILED WITH GOVERNING BODY.** On the filing of the assessor's plat with the governing body, the clerk shall promptly give notice thereof by publication for 3 successive weeks in the official newspaper of the city, village, town or county, or if there be none, in a newspaper published in the county or an adjoining county and having general circulation in the locality. The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within such 30-day period any person or public

body having an interest in any lands affected by the plat may bring a suit to have such plat corrected. If no such suit be brought within such time, the plat may be approved by the governing body, and filed for record. If such suit be brought, approval shall be withheld until the suit is decided, when the plat shall be revised in accordance with such decision if such be necessary, then approved by the governing body and filed for record. When so filed the plat shall carry on its face the certificate of the clerk that all provisions of this section have been complied with. When recorded after approval by the governing body, the plat shall have the same effect for all purposes as if it were a land division plat made by the owners in full compliance with chapter 236. Before May 1 of each year, the register of deeds shall notify the town clerks of the recording of any assessors' plats made or amended during the preceding year, affecting lands in their towns.

SECTION 3. 236.02 of the statutes is amended to read:

236.02 CEMETERIES EXCLUDED; ASSESSORS' PLATS. This chapter applies to all land-divisions *and subdivisions* except cemeteries and assessors' plats made under the provisions of section 70.27 *but such assessors' plats shall comply with sections 236.03 (2) to (5) and 236.04 (2), (2a), (3) and (4) (a) to (k), except in counties of 500,000 population or more.*

Approved August 3, 1951.
