

Senate Bill 497

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Chapter 596

AN ACT to amend 32.05 (intro. par.), as amended by chapter 219, laws of 1965, (1), as amended by chapter 238, laws of 1965, (3) (i), (7) (a) and (c) and (9) (a) (intro. par.) of the statutes, relating to the exercise of the power of eminent domain by housing authorities and for urban renewal.

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

32.05 (intro. par.), as amended by chapter 219, laws of 1965, (1), as amended by chapter 238, laws of 1965, (3) (i), (7) (a) and (c) and (9) (a) (intro. par.) of the statutes are amended to read:

32.05 (intro. par.) This section does not apply to town highways created or altered under ch. 80 except as to jury trials on appeals under

ss. 80.24 and 80.25, nor to proceedings in cities of the 1st class under chapter 275, laws of 1931, as amended (Kline Law). *In cities of the 1st class, condemnation for housing under ss. 66.40 to 66.404, or for urban renewal under s. 66.431 may proceed under this section or under s. 32.06 at the option of the condemning authority.* All other condemnation of property for public alleys, streets, highways, airports or storm sewers and sanitary sewers or watercourses shall proceed as follows:

(1) The state highway commission, turnpike commission, county board of supervisors (or the county highway committee when so authorized by said board), county expressway commission, city council, village board, sewerage commission governing metropolitan sewerage district created by s. 59.96 or s. 66.20, state aeronautics commission ~~or~~, a commission created by contract under s. 66.30, *housing authority under ss. 66.40 to 66.404 or redevelopment authority under s. 66.431* shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses ~~or~~, *airport, housing project or redevelopment project* which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located.

(3) (i) Stating that the owner, subject to subs. (9) (a) and (11), will have 2 years from the date of taking his property by award in which to appeal for greater compensation without prejudice to his right to use the compensation given him by the award. *If the condemning authority is a housing authority organized under ss. 66.40 to 66.404 or a redevelopment authority organized under s. 66.431, the notice shall also state that in the case of an appeal under sub. (9) (a) the parties having an interest in the property who are taking the appeal may initiate such appeal by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission.*

(7) (a) The award shall be in writing. It shall state that it is made pursuant to relocation order of (name of commission, *authority*, board or council having jurisdiction to make the improvement) No. ____ dated _____ filed in the office of the County Clerk, County of _____. It shall name all persons having an interest of record in the property taken and may name *the* other persons. It shall describe such property by legal description and state the interest therein sought to be condemned and the date when actual occupancy of the property condemned will be taken by condemnor. The award shall also state the compensation for the taking which shall be an amount at least equal to the amount of the jurisdictional offer. The award shall state that the condemnor has complied with all jurisdictional requirements. An amended award for the purpose of correcting ~~error~~ errors wherein the award as recorded differs from the jurisdictional offer may be made, served and recorded as provided by this section.

(c) When service of the award has been completed, and after payment of the award as provided in par. (d), the award shall be recorded in the office of the register of deeds of the county wherein the property is located. Thereupon title in fee simple to the property described in the award, or the lesser right in property acquired by the award shall vest in the condemnor as of the time of recording. The date of such recording is the "date of evaluation" and also the "date of taking". *If the condemning authority is a housing authority organized under ss. 66.40 to 66.404 or a redevelopment authority organized under s. 66.431, the award shall not be recorded sooner than 60 days after service of the award has been completed.*

(9) (a) (intro. par.) Any party having an interest in the property condemned may, within 2 years after the date of taking, appeal from the

award, except as hereinafter limited by applying to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08, *except that if the condemning authority is a housing authority organized under ss. 66.40 to 66.404, or a redevelopment authority organized under s. 66.431, the appeals may be initiated by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission. The condemning authority shall, upon receipt of such letter, apply to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08.* Such application shall contain a description of the property condemned and the names and last known addresses of all parties in interest but shall not disclose the amount of the jurisdictional offer nor the amount of the basic award. Violation of this prohibition shall nullify such application. Notice of such application shall be given to the clerk of the court and to all other persons other than the applicant who were parties to the award. Such notice may be given by certified mail or personal service. Upon proof of such service the judge shall forthwith make such assignment. Where one party in interest has appealed from the award, no other party in interest who has been served with a notice of such appeal may take a separate appeal, but may join in the appeal by serving notice upon the condemnor and the appellant of his election to do so. Such notice shall be given by certified mail or personal service within 10 days after receipt of notice of the appeal and shall be filed with the clerk of the court. Upon failure to give and file such notice all other parties of interest shall be deemed not to have appealed. The result of such appeal shall not affect parties who have not joined in the appeal as hereinabove provided. In cases involving more than one party in interest with a right to appeal, the first of such parties filing an appeal under this subsection or under sub. (11) shall determine whether such appeal shall be under this subsection or under sub. (11). No party in interest may file an appeal under this subsection if another party in interest in the same lands has filed a prior appeal complying with the requirements of sub. (11). Thereafter the procedure shall be as prescribed in s. 32.08. In cases involving multiple ownership or interests in lands taken the following rules shall also apply:

Approved June 27, 1966.
