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Platting Manual

PREFACE

This manual is intended to provide general guidance for statewide minimum platting regulations. The illustrations, check lists and examples featured in this manual are general and apply to the state as a whole. They are based on the best information currently available. Local units of government may have additional requirements. Following all the recommendations in this manual may not guarantee that documents will be certified and approved by all review authorities. Judicial decisions, revisions to state statutes and administrative rules, and revisions in local ordinances, official plans and official maps continually change requirements that need to be complied with. Check our website periodically for updates to this manual.

ACKNOWLEDGMENTS

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Platting on the Internet

Platting and Surveying related websites:

Plat Review: <http://doa.wi.gov/platreview/>

- platting manual and updates, forms, links to statutes, latest platting information.

Municipal Boundary Review: <http://doa.wi.gov/municipalboundaryreview/>

- rules and information related to annexations.

Wisconsin Statutes, Administrative Rules, and Attorney General's Opinions are available at: <http://docs.legis.wi.gov/>

Wisconsin Supreme and appellate court decisions are available at: <http://wicourts.gov/>

Wisconsin Dept. of Transportation: <http://dot.wi.gov/>

- trans 233, driveway permits, facilities development manual, town road standards.

Wisconsin Dept. of Natural Resources: <http://dnr.wi.gov/>

- wetlands maps, permit primer, DNR webview GIS.

Wisconsin Dept. of Safety & Professional Services, Safety & Buildings: <http://dsps.wi.gov/sb/>

- private septic system rules and information.

Counties, Cities, Villages, and Towns with posted websites:

- many have land division ordinances online.

http://wi.gov/state/core/wisconsin_counties.html

http://wi.gov/state/core/wisconsin_cities_towns_and_villages.html

Wisconsin Society of Land Surveyors: <http://wsls.org/>

- wealth of surveying related information.

Wisconsin Dept. of Safety & Professional Services: <http://dsps.wi.gov/>

- list of registered land surveyors.

Board of Commissioners of Public Lands: <http://digicoll.library.wisc.edu/SurveyNotes/>

- maintains original survey and land records.

State Cartographers Office: <http://sco.wisc.edu/>

- maps of all types and related information.

Introduction

The Subdivision Platting process effectively serves many functions. Subdivision plats are used by land developers as a simple and accurate method for conveying multiple interests in land; They are used by communities as a tool to ensure that development retains the character of the community, and to organize and regulate land use and growth. In addition to others, utilities, title companies, demographers, assessors, emergency personnel, and land records administrators all use subdivision plats in their work.

Chapter 236, Wis. Stats., the state regulations dealing with dividing land, has a legislative history older than the state itself. Regulation of platting land dates back to the 1833 Laws of Michigan. Similar provisions were contained in the Wisconsin Territory Revised Statutes of 1839 and after statehood in the first state statutes, Revised Statutes of 1849. Chapter 236 Stats., is the product of continuing revision of these early statutes to meet the needs of an expanding society and provide for orderly and planned development of the state. Today, it contains not only the formal requirements regulating surveys and the resulting plats and maps but also extensive provisions for their review by various state agencies and local governing bodies.

*s. 236.01, Wis.
Stats.*

The purpose of Ch. 236 is to further the orderly layout and use of land in order to:

- ensure accurate monumentation and conveyance of subdivided lands;
- promote public health, safety, and general welfare;
- provide for adequate water, sewerage, parks and recreation;
- prevent the overcrowding of land and congestion of roads;
- provide access to subdivided lands and public waters.

All interpretations of this chapter, and all local subdivision control ordinance as authorized by this chapter, shall be designed to accomplish these purposes.

Land Division Regulations

Chapter 236, Wis. Stats., is not the only source of regulations that apply to dividing land. There are Town, Municipal, and County land division ordinances that must be complied with, as well as other State statutes and administrative rules.

Chapter A-E 7

This chapter provides the minimum standards for all property surveys within the state, including subdivision plats and Certified Survey Maps. Although many of the survey and mapping requirements found in this chapter are mirrored in Ch. 236, there are requirements in A-E 7 related to monumentation, descriptions, measurements, and USPLS records that are not specified in Ch. 236, but must be adhered to when creating subdivision plats and CSM's.

Chapter Trans 233, & Chapter 82

The Department of Transportation administers these chapters, which regulate land divisions that abut State Highways (ch. Trans 233), and sets forth standards for Town Roads that are created by subdivision plats and CSM's (ch. 82).

Local Ordinance

Towns, Municipalities, and Counties often have land division ordinances or land use plans containing regulations that are more restrictive than those found in Ch. 236 and elsewhere. Time spent researching and resolving local requirements early in the land division process will help avoid problems when the plat or CSM is submitted for approval.

Other Statutes and Rules

There are platting issues regulated by rules and statutes not covered in this manual, such as Recording and Conveying (Ch. 706); Municipal Law (Ch. 66); Navigable Waters (Ch. 30), among others. The publication "Wisconsin Laws Relating to the Practice of Land Surveying", available through the Wisconsin Society of Land Surveyors, is a valuable guide to these statutes and rules.

Plat Review Function

The Plat Review Program was created to reduce the duplication of services between layers of government, to ensure that recorded documents related to land divisions are accurate for the purposes of transferring title, and to consolidate review and enforcement authority as provided for by Ch. 236, Wis. Stats.

At the time of the programs inception, the review process outlined in Ch. 236 was created in response to a number of state-wide problems and conflicts arising due to the complex and multi-jurisdictional nature of reviews that are required during the process of subdividing land.

The program was given charge by the Legislature and the Governor to:

- Ensure consistent application of minimum land division standards throughout Wisconsin across differing jurisdictions of state and local government.
- Eliminate duplication of reviews among state and local governments by reducing the number of locations for final certification from over 1600 to 1.
- Coordinate state reviews through a single entity.
- Resolve legal and technical problems with land divisions before documents are recorded.
- Reduce the cost and time required for reviews.
- Provide for investigation and enforcement in the event of violations of law.

The programs success in solving land division problems is a reason why it continues to have strong support from surveyors, realtors, developers, and local units of government, despite the regulatory nature of the program.

Plat Review Function

Plat Review's primary responsibilities are to:

- coordinate subdivision plat reviews at the state (DOA & DOT) and local level (1920 units of government);
- review and certify (or object to) subdivision and assessor's plats for compliance with minimum statutory standards. These standards include: land surveying, layout (lots, streets and easements), mapping, monumenting, and certificate requirements.
- waive technical mapping and monumenting requirements for plats and certified survey maps when strict compliance would be unduly difficult and not result in the intended purpose.
- release restrictions on recorded plats and coordinate releases by the other review authorities;
- assist the Department of Regulation and Licensing and local units of government with resolving violations and complaints filed against land surveyors.

At the request of local units of government, Plat Review:

- reviews certified survey maps;
- reviews and comments on proposed local subdivision ordinances;
- provides assistance with development issues facing local governments.

In addition, Plat Review acts as a liaison between developers and local units of government, and provides training and technical assistance to Surveyor's, Planners, Code Administrators, and others in relation to land subdivision issues.

Plat Review Function

Benefits of Platting

Certification by Plat Review means that lots within the subdivision are accurately described, are consistent with state and local regulations, and are in fact “build-able” rather than simply “sale-able”.

In addition, certified subdivision plats:

- are objectively reviewed by a neutral party with no interest in the subdivision;
- are subject to consistent application of ch. 236 requirements;
- create public roads that are eligible for highway aids;
- prevent "land-locked" parcels;
- create easements or restrictions for public benefit
- provide the public with access to navigable waters of the state;
- contain monumented and retraceable parcels that can be described and conveyed with clear title;
- may be used to convey interest to the public (parks, trails, preserves) with no other documentation.
- may be used as a single source to bring together easements, restrictions, reservations, covenants, public dedications, etc. all on one document.
- enable planners to have a "big picture" view of land developments.

TABLE OF CONTENTS

SECTION	PAGE
Review Process	
Platting requirement	1-1
Objecting authorities	1-2
Approving authorities	1-3 thru 1-7
Extraterritorial review	1-4, 1-5
Approval review process	1-8, 1-9
Certification review process	1-10 thru 1-12
Examples	1-13 thru 1-24
Recording Process	
Media	2-1
Time Limits.....	2-1
Requirements for recording.....	2-2
Effects of recording	2-2, 2-3
Submittal Process	
Shipping to Plat Review	3-1
Electronic submittal	3-2
Request for review form	3-3 thru 3-5
Revised plat submittal	3-5
Recertification submittal	3-5
Submittal checklist	3-6
Examples	3-7 thru 3-12
Time Limits	
Summary table of time limits	4-1
Monumentation	
Placement requirements	5-1
Monument standards	5-2
Monument waivers	5-2, 5-3
Request for Monumentation Waiver form	
Example grant of waiver	
Standard Monument properties tables	

TABLE OF CONTENTS

SECTION	PAGE
Lots and Outlots	
Parcel designation.....	6-1
Lot standards	6-1
Parcel numbering	6-2
Parcel access.....	6-2
Parcels with public streets or navigable water.....	6-3
Example lot numbering	6-5 thru 6-7
Example non standard lot waivers	6-8 thru 6-12
Example private access waiver	6-13 thru 6-15
Streets	
Public street requirements.....	7-1
Town road waivers	7-2
Street designations	7-2
Vacated streets within plat	7-2
County highway acceptance	7-3
Private street requirements	7-4
Example town road waiver	7-7 thru 7-9
Example non standard or private street waivers	7-10 thru 7-13
Easements and Restrictions	
Easements by plat.....	8-1
Existing easements	8-1
Easement depiction.....	8-1, 8-2
Restriction depiction.....	8-2
Easement release	8-3
Example vision corner depiction.....	8-5
Example grant of easement language.....	8-6
Example easement releases	8-7 thru 8-10
Subdivisions and Water	
Public access requirements	9-1, 9-2
Vacation of public access.....	9-2
Abandonment of public access	9-3
Requirements for parcels adjoining/containing water ...	9-3 thru 9-5
AG opinion lake bed title	9-7
Example numbering of parcels containing stream.....	9-9
AG opinion public access	9-11 thru 9-13
AG opinion lots separated by public road or water.....	9-15 thru 9-21
Supreme Court ruling lots separated by stream	9-21

TABLE OF CONTENTS

SECTION	PAGE
Mapping Requirements	
Monumentation	10-1, 10-2, 10-7
Accuracy of survey	10-3
Lot standards	10-3
Street standards	10-4
Public access to water requirements.....	10-5
Margins	10-6
Scale	10-6
Sheet numbering.....	10-6
Media requirements	10-6
Boundary depiction	10-6, 10-8
Parcel numbering	10-8, 10-9
Easement depiction.....	10-10
Right-of-way depiction.....	10-10
Meander line depiction	10-10
North point/bearing reference.....	10-11
Parcel area depiction	10-11
Curve data.....	10-12 thru 10-15
Waivers	10-17
Plat name and location depiction	10-17, 10-18
USPLS tie.....	10-18
Location sketch	10-19
Adjoining street and subdivision depiction.....	10-19
Street designations	10-20
Public dedication designations	10-20
Lot access to public street requirement.....	10-21
Existing structure depiction	10-21
Watercourse depiction	10-21
Water elevation requirements	10-21
Example scale waiver request.....	10-23
Example grant of scale waiver	10-25
Final plat checklist.....	10-26 thru 10-33
Certificates	
Types of certificates	11-1
List of required certificates	11-2 thru 11-4
Sample certificates	11-5 thru 11-20

TABLE OF CONTENTS

SECTION	PAGE
Example Plats	
Preliminary plat submittal requirements	12-1
Preliminary plat layout requirements	12-2 thru 12-6
Preliminary plat checklist.....	12-7
Example preliminary plat	
Final plat submittal requirements	12-9, 12-10
Final plat survey requirements	12-11 thru 12-13
Final plat layout requirements	12-14 thru 12-16
Final plat mapping requirements	12-16 thru 12-24
Example final plat	
Final plat mapping requirements	12-27 thru 12-29
Example addition to a final plat	
Final plat mapping requirements	12-31 thru 12-33,12-35
Example additions to final plat	
Final plat checklist.....	12-37 thru 12-44
Vacations	
Application for vacation	13-1
Notice of application	13-1
Vacation order.....	13-2
Vacation of public areas	13-3
Vacation of public access to water	13-3
Example class 3 notice	13-4
Example vacation application resolution	13-5
Typical vacation process	13-6
Discontinuances	
Petition for discontinuance	14-1
Objection to petition	14-1
Discontinuance resolution hearing	14-2
Hearing notice	14-2
Pendency notice.....	14-3
Reversion of discontinued way.....	14-3
DNR approval of discontinued public access	14-4
Relief from conditions of gifts and dedications	14-4
Example discontinuance resolution.....	14-5
Typical discontinuance process	14-6

TABLE OF CONTENTS

SECTION	PAGE
Restriction and Easement Releases	
Need for releases.....	15-1
Types of restrictions to be released	15-1
Typical release procedure	15-2
Example release letters.....	15-3 thru 15-5
Correction Instruments	
Need for correction instrument.....	16-1
List of correctable items	16-1
List of non-correctable items	16-2
Approvals	16-2
Format requirements	16-3
Layout requirements	16-3
Recording requirements	16-4
Example formats	16-5, 16-6
Example correction affidavits	16-7 thru 16-10
Chapter A-E 7	
Definition	AE7-1
Application.....	AE7-1, AE7-2
Description requirements	AE7-3
Mapping requirements	AE7-3, AE7-4
Accuracy of measurements.....	AE7-5
Monumentation	AE7-5 - AE7-7
Example maps	
Certified Survey Maps	
Permitted uses	17-1, 17-2
Example CSM's combining recorded lots.....	17-3, 17-4
Review authorities	17-5
Review time limits	17-5
Survey requirement.....	17-6
Monumentation requirements.....	17-6, 17-7
Sheet layout requirements	17-7
Scale	17-7
Sheet layout example.....	17-8
Boundary and easement depiction.....	17-9
Parcel designation and numbering.....	17-10
Area requirements.....	17-10
Bearing reference.....	17-10
USPLS tie.....	17-11

TABLE OF CONTENTS

SECTION	PAGE
Certified Survey Maps (cont.)	
Curve data.....	17-11
Depiction of adjoining/abutting lands.....	17-12
Certificate requirements	17-12, 17-13
Recording.....	17-13
CSM checklist	17-14 thru 17-20
CSM examples.....	17-21 thru 17-24
Assessor's Plats	
Purpose.....	18-1
Ordering an Assessor's Plat.....	18-1
Effect of recording	18-1
General requirements	18-2
Example Boundary Line Agreement Table.....	18-3
Monumentation requirements.....	18-4
Sheet layout requirements	18-4
Boundary depiction	18-4
Parcel designation and numbering.....	18-4
Certificate requirements	18-4
Survey and mapping standards.....	18-5
Filing and Recording procedure	18-5
Example Class 3 notice.....	18-6
Amendments and corrections.....	18-7
Permitted uses	18-7
Processing flowchart	18-8
Example Certificates	18-9, 18-10
Assessor's Plat checklist.....	18-11 thru 18-15
Example transmittal letter.....	18-16
Example certification letter	18-17, 18-18
Example Assessor's Plat	
County/Local Plats	
Authority.....	19-1
Ordinance requirements.....	19-1, 19-2
Platting requirements	19-2
Sale/exchange exempt from regulation.....	19-3
Examples of exempt sale/exchange.....	19-4 thru 19-6
Examples of regulated sale/exchange	19-7 thru 19-9
Example municipal plat	

TABLE OF CONTENTS

SECTION	PAGE
Cemetery Plats	
Excerpt from chapter 157, platting requirements.....	20-1, 20-2
Condominiums	
Definitions	21-1, 21-2
Declarations	21-3, 21-4
Plat.....	21-4, 21-5
Modifications	21-6- 21-9
Removal.....	21-10
Expansion	21-11
Regulation.....	21-12
Rules for Condo Instruments.....	21-13
Easements	21-14
Checklist	
Example Condo Plats	
Example Removal Instrument	
Forms	
Request for Land Subdivision Plat Review (DOA DD-326)	
WISDOT Subdivision Review Request (DT2091)	
Reduced Lot Area Permitted by Ordinance verification form	
Reduced Lot Width Permitted by Ordinance verification form	
Reduced Street Width Permitted by Ordinance verification form	
Private Road/Access Easement Permitted by Ordinance verification form	
Assessor's Plat Transmittal to plat review from municipal clerk	
Subdivision Plat Transmittal to plat review from municipal clerk	
Public Sewer Availability verification form	
Request for Monumentation Waiver form	
Request for Scale Waiver form	
Statutes, Rules, & Opinions	
List of Statutes and rules related to platting	23-1
List of Wisconsin Supreme Court decisions related to land division and platting.....	23-2 thru 23-6
List of Wisconsin Attorney General opinions related to land division and platting	23-7 thru 23-9
Selected Wisconsin Attorney General opinions included in this manual.....	23-10 to section end

TABLE OF CONTENTS

SECTION	PAGE
Department of Transportation	
Land divisions subject to DOT review	24-1
Review submittal process.....	24-1
DOT request for review form	24-3
DOT land division reviewer/regional map.....	24-4
Private Septic / Department of Safety and Professional Services	
Explanation of rule changes	25-1
Wastewater Specialist district map.....	25-2
Department of Natural Resources	
List of statutes/rules related to land development	26-1
Annexations	
Methods	27-1
Petition, Legal Description.....	27-3
Map, Review	27-4
Ordinance, Filing	27-5
Map of Counties requiring review	
Request for Review Form, Fee Schedule	
Annexation Submittal Checklist	
Sample Maps and Legal Descriptions	
Sample Review Letters	

The Plat Review Process

[s. 236.02 \(12\) \(am\)](#), Wis. Stats.

A subdivision plat is required any time a landowner or landowner's agent divides a lot, parcel, or tract of land for the purpose of sale or building development, where:

The division creates five or more parcels or building sites (i.e. lots or outlots) of 1-1/2 acres each or less,

OR

Successive divisions within a five year period create five or more parcels or building sites (i.e. lots or outlots) of 1-1/2 acres each or less.

[s. 236.02 \(12\) \(bm\)](#), Wis. Stats.

Note: A Certified Survey Map that creates 5 or more lots or outlots in accordance with an ordinance or resolution adopted per s. 236.34 (1) (ar) (1), Wis. Stats., is not a subdivision as defined by this section.

[s. 236.45](#), Wis. Stats.

Local ordinances may be more restrictive, and may require a subdivision plat when creating larger or fewer parcels or building sites than defined by statute. Always check local subdivision requirements.

Preliminary Plats are optional unless mandated by local ordinance.

[s. 236.11](#), Wis. Stats

To resolve potential problems early, it is recommended that a Preliminary Plat be submitted for review when:

- The subdivision adjoins a State or Federal highway;
- The subdivision adjoins a navigable lake, river, or stream;
- Lots within the subdivision do not have direct access to a public street;
- Lots within the subdivision do not meet statutory requirements for width and/or area;
- Streets within the subdivision do not meet statutory requirements for width.

Final plats are mandatory. They must be submitted for review to the appropriate state agencies and local units of government.

The Plat Review Process

Chapter 236, Wis. Stats., specifies two categories of review authorities with very distinct roles in the subdivision platting process:

OBJECTING AUTHORITIES

Department of Administration - Plat Review Program

Plat Review reviews all subdivision plats as defined by s. 236.02 (12), or as required by local ordinance, for compliance with ss. 236.15, 236.16, 236.20 and 236.21, Wis. Stats.

Department of Transportation (WisDOT)

WisDOT reviews subdivision plats for compliance with ch. Trans 233, Wis. Admin. Code. when lands being platted abut a state trunk or interstate highway, or when the subdivider has an interest in land between the subdivision and a state trunk or interstate highway.

County Planning Agencies (CPA)

Currently, the 18 CPA's listed below have objecting authority for subdivision plats located within cities and villages within the county. The CPA reviews the plat to determine conflicts with parks, parkways, expressways, major highways, airports, drainage channels, schools, or other planned public improvements.

Brown County Planning Commission (objecting in cities only, approving in villages)
Calumet County Planning and Zoning Committee
Dane County Zoning & Natural Resources Committee
Dodge County Planning & Development Department
Door County Planning Department
Fond du Lac County Planning Agency
Jefferson County Planning and Zoning Department
Juneau County Zoning Administrator (except city of Mauston)
Manitowoc County Planning & Park Commission
Milwaukee County Department of Public Works
Oconto County Planning & Zoning Committee
Racine County Planning & Development
Rock County Planning & Development Agency
St. Croix County Zoning Office
Sheboygan Co. Planning & Resources Dept (except City of Sheboygan)
Washington County Planning & Parks Commission
Waukesha County Parks & Land Use Department
Winnebago County Planning & Zoning Committee

Developments located within the City of Milwaukee are exempt from review by objecting authorities.

[s. 236.12, Wis. Stats](#)

The Plat Review Process

APPROVING AUTHORITIES

[s. 236.10 \(1\)](#)
[s. 236.13](#), Wis.
Stats.

For subdivisions located in cities or villages, the city council or village board is the sole approving authority. Their approval is based on compliance with local ordinances, local master or comprehensive plans and official maps, installation of public improvements, alterations to utilities, and the creation of easements for public benefit.

[s. 236.10 \(1\)\(c\)](#)
[s. 236.13](#), Wis.
Stats.
(*Rogers vs. Rock
County Planning*).

For subdivisions located in towns, the town board and the county planning agency are always approving authorities. Their approval is based upon compliance with town and county ordinances, local master or comprehensive plans and official maps, alterations to utilities and the creation of easements for public benefit. Town boards may require the installation of public improvements.

[s. 236.10](#)
[s. 62.23](#), Wis.
Stats
(*Rice vs. City of
Oshkosh, 1989*)

For subdivisions located in towns, neighboring cities and villages may have **extraterritorial plat approval jurisdiction**. They can review for compliance with municipal ordinances, local master or comprehensive plans, and official maps. They can not require public improvements within the subdivision.

[s. 236.02 \(5\)](#),
Wis. Stats.

Extraterritorial plat approval jurisdiction limits:

- 3 miles from the municipal boundaries of a first, second, or third class city.
- 1-1/2 miles from the municipal boundaries of a fourth class city or an incorporated village.

[s. 236.10 \(2\)](#)
[s. 66.0105](#), Wis.
Stats.

Where extraterritorial jurisdictions overlap, the overlapping area is divided by a line whose points are equidistant from the boundaries of each municipality. Each municipality reviews the portion of the subdivision that falls on its side of the equidistant line.

[s. 236.10 \(5\)](#),
Wis. Stats.

A City or Village may waive its right to approve plats within any portion of its extraterritorial plat approval jurisdiction by a resolution of the governing body filed with the register of deeds incorporating a map or metes and bounds description of the area outside its corporate boundaries within which it shall approve plats. The municipality may rescind this waiver at any time by resolution of the governing body filed with the register of deeds.

The Plat Review Process

EXTRATERRITORIAL JURISDICTION OVERLAP

[s. 236.10 \(2\)](#)
[s. 66.0105](#), Wis.
Stats.

Per s. 66.0105, Wis. Stats: *The extraterritorial powers granted to Cities and Villages by statute...may not be exercised within the corporate limits of another City or Village. Wherever these statutory extraterritorial powers overlap, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area.*

To determine review authority when extraterritorial jurisdictions overlap:

- 1) Establish the extraterritorial plat approval jurisdiction limits:
 - 3 miles from the municipal boundaries of a first, second, or third class city.
 - 1-1/2 miles from the municipal boundaries of a fourth class city or an incorporated village.

- 2) Establish the area of extraterritorial plat approval jurisdiction overlap.

If the subdivision lies within the area of extraterritorial plat approval jurisdiction, then:

- 3) Establish a line through the area of extraterritorial plat approval jurisdiction overlap that is equal distance from the corporate boundaries of each Municipality.

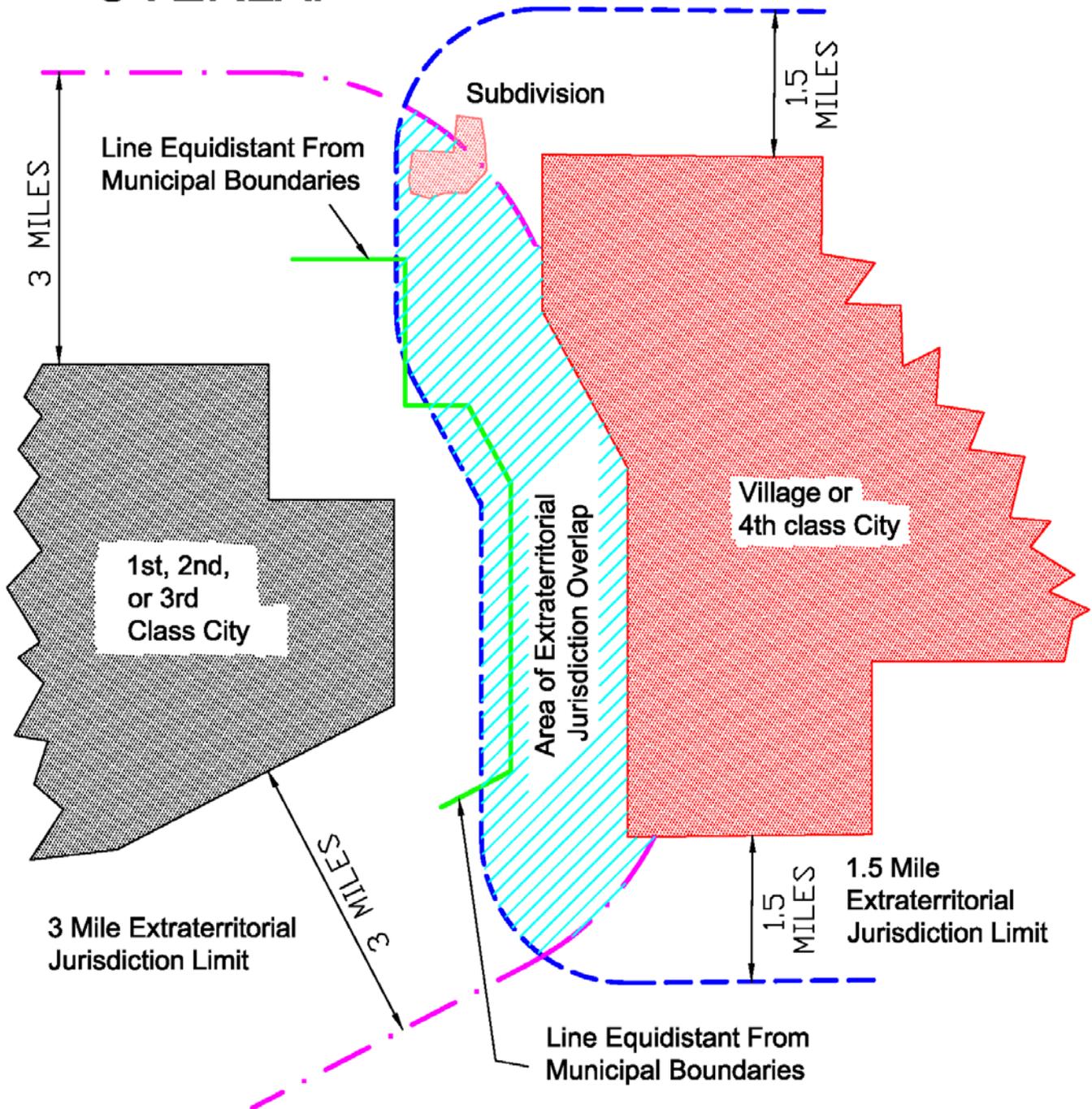
Note that such a line usually will not equally split the overlap area, and in some cases may not fall within the overlap area.

- 4) The Municipality on the side of the equal distant line that the subdivision lies has exclusive extraterritorial review authority over the plat. If the equal distant line bisects the subdivision, then each municipality reviews the portion of the subdivision that falls on its side of the line.

In the example shown on the facing page, the Village has exclusive extraterritorial review authority over the plat.

The Plat Review Process

EXTRATERRITORIAL OVERLAP



The Plat Review Process

APPROVING AUTHORITIES

Review Agreements

Any Town County, City, or Village may agree with any other Town County, City, or Village to cooperate in the review and approval of plats. They may also submit plats to a regional planning commission (RPC) for an advisory review. The RPC has no approval or objecting authority.

Delegation of Authority

Any Town County, City, or Village may delegate the authority to review and object to or approve a plat, to a planning committee or commission created by the governing body. However, final plats that dedicate roads or other lands to the public must always be approved by the governing body of the lands in which the subdivision lies.

Contested Annexations

If the subdivision is within an area of annexation that is being legally contested, the plat must be approved by the annexing City or Village and by the Town from which the area is being annexed.

Basis for Approval

Plats shall be approved or denied based upon compliance with:

- The provisions of ch. 236, Wis. Stats.
- City, Village, Town, or County ordinance.
- Comprehensive plans based on s. 66.1001, Wis. Stats.
- Master plans based on s. 62.23, Wis. Stats.
- Development plans based on s. 59.69, Wis. Stats.
- The provisions of ch. Trans 233, Wis. Admin. Code.

The Village, City, or Town may also require:

- The installation of reasonable public improvements.
- The construction of public or private streets.
- The installation of water and sewer facilities.
- The installation of sidewalks and lighting.
- The dedication of easements for solar or wind energy.

A municipality, town, or county may **not**, as a condition of approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property, except to fund the purchase or initial improvement of public parks.

[s. 236.10 \(4\)](#)
[s. 66.0301](#), Wis.
Stats.

[s. 236.10 \(3\)](#), Wis.
Stats.

[s. 236.10 \(1\) \(a\)](#),
Wis. Stats.

[s. 236.13 \(1\)](#),
Wis. Stats.

[s. 236.13 \(2\)](#),
Wis. Stats.

[s. 236.45 \(6\)\(am\)](#),
Wis. Stats.

The Plat Review Process

APPROVING AUTHORITIES

[s. 236.45 \(6\)\(b\)](#),
Wis. Stats.

Basis for Approval

Any land dedication, easement, or other public improvement required by a municipality, town, or county as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement, or other public improvement resulting from the subdivision or other division of land.

[s. 236.45 \(3\)\(b\)](#),
Wis. Stats.

Extraterritorial Approval

A municipality may not deny approval of a plat or certified survey map within its extraterritorial jurisdiction based upon the proposed use of the land within the plat or certified survey map, unless such use conflicts with plans or regulations adopted by the municipality under [s. 62.23 \(7a\) \(c\)](#), Wis. Stats (related to extraterritorial zoning).

[s. 236.13 \(3\)](#),
Wis. Stats.
(*Columbia corp. vs.*
Town of Pacific)

Plats shall not be approved or denied based upon any requirement other than those specified by s. 236.13, or by other existing statute, ordinance, master plan, official map, or rule.

The Plat Review Process

PLAT APPROVAL

Preliminary Plat

The approving authority may require that the subdivider submit a preliminary plat for review and approval. The approving authority may also require that the preliminary plat be submitted to objecting authorities for review and certification.

- The plat must be clearly marked “Preliminary Plat”.
- The plat must contain enough detail to determine if the final plat will meet layout requirements.
- Within 90 calendar days the approving authority must approve, conditionally approve, or reject the plat.
- The review time limit may be extended by agreement.
- Conditions of approval or reasons for rejection must be provided in writing to the subdivider.
- If the approving authority does not act within 90 days or within the agreed upon time extension, the plat is deemed to be approved.

Final Plat

If a final plat is submitted that conforms substantially to the approved preliminary plat, as determined by a professional engineer, planner, or other person designated by the local unit of government to review plats, the final plat is entitled to approval within 60 calendar days of submittal (or agreed upon time extension) if:

- The final plat is submitted within 36 months of the preliminary plat approval.
- The final plat conforms to all local plans and ordinances (including those enacted subsequent to preliminary plat approval).
- The final plat meets all conditions of the preliminary plat approval.

If a final plat is submitted without an approved preliminary plat, the approving agency must, within 60 calendar days of submittal or agreed upon time extension:

- Approve, approve with conditions, or reject the plat.
- Provide conditions of approval or reasons for rejection in writing to the subdivider.

[s. 236.11 \(1\) \(a\)](#),
Wis. Stats.

[s. 236.11 \(1\) \(b\),\(c\)](#)
[s. 236.11 \(2\)](#),
Wis. Stats.

[s. 236.11 \(2\)](#),
Wis. Stats.

The Plat Review Process

PLAT APPROVAL

[s. 236.11 \(2\)](#),
Wis. Stats.

Final Plat

If the approving authority does not act within 60 days or within the agreed upon extension:

- The plat is deemed to be approved, if there are no outstanding objections.
- Upon demand, the clerk of the approving authority that failed to act must certify approval of the plat.

[s. 236.11 \(2\) \(b\)](#),
Wis. Stats.

The final plat may be approved at any time during the review process; however, no approving authority may inscribe its approval onto the recordable plat document prior to certification of no objection by the Department of Administration.

Conflicting Requirements

[s. 236.13 \(4\)](#),
Wis. Stats.

When the requirements of approval or objection authority ordinances or statutes conflict, the plat must comply with the most restrictive requirements.

Appeals

[s. 236.13 \(5\)](#),
Wis. Stats.

Any person aggrieved by an objection to or failure to approve a plat may appeal the objection or rejection as outlined in [s. 62.23 \(7\) \(e\) 10.](#), [14.](#), and [15.](#), provide such appeal is filed within 30 days of the notification of objection or rejection.

The Plat Review Process

[s. 236.12](#), Wis. Stats.

PLAT CERTIFICATION

S. 236.12, Wis. Stats., provides for the procedure to submit subdivision plats to objecting authorities for review and certification. The review procedure is identical for preliminary plats and for final plats.

Overview of the submittal processes

- The developer or their agent (Surveyor) submits the plat to Plat Review.
- Plat Review coordinates the activities of all objecting agencies.
- Plat Review and other objecting agencies work directly with the Surveyor to resolve compliance issues.
- The ability to accept substitute (revised) plats allows for continuity of the objecting agency review process.
- Plat Review produces the recordable document.

Submittal process

The subdivider (or subdividers agent- hereafter referred to as surveyor) submits the plat directly to Plat Review. Within 2 days, Plat Review will transmit the plat to other **objecting** agencies (County Planning Agency or Department of Transportation) as needed.

[s. 236.12 \(2\)](#), Wis. Stats.

*The surveyor must submit copies of the plat directly to all **approving** agencies.*

[s. 236.12 \(4m\)](#), Wis. Stats.

Within 20 calendar days, the other objecting agencies will notify Plat Review of their action (certify, object, or provide conditions of certification). Within 30 calendar days, Plat Review will notify the surveyor of their action (certify, object, or provide conditions of certification).

[s. 236.12 \(3\)](#), Wis. Stats.

If the plat is certified:

- Plat Review will issue a letter of certification and provide the surveyor with the recordable plat document.

The Plat Review Process

PLAT CERTIFICATION

Submittal process (*continued*)

[s. 236.12 \(3\)](#)
Wis. Stats.

If there are conditions of certification:

- Plat Review will provide the conditions to the surveyor.
- If the conditions are minor, the plat may be "conditionally certified", and the changes are made to the recordable document.

OR

- The plat review time limit will be extended by agreement.
- The surveyor will provide a substitute (revised) plat that satisfies the conditions of certification.
- Plat Review will determine if the conditions of certification have been met.
- If the conditions have been met, Plat Review will issue a letter of certification and provide the surveyor with the recordable plat document.

The plat may not be approved or recorded until all conditions of certification have been met.

If the plat is objected to:

The basis of the objection will be provided to the surveyor and the subdivider and the plat must be resubmitted for review.

The plat may not be approved or recorded until all objections have been resolved.

The Plat Review Process

EXAMPLES RELATED TO THIS SECTION

Plat Review Comments letter

"Anticipate Plat Certification" letter

Final plat certification letter

Preliminary plat certification letter

Preliminary plat objection letter

The Plat Review Process

SAMPLE PLAT REVIEW COMMENTS

This letter is sent by Plat Review to the Surveyor that submitted the plat for review, to provide notification of changes that must be made to enable Plat Review to certify no objection to the plat.

PLAT REVIEW COMMENTS

Department of Administration
State of Wisconsin

DATE: May 24, 2007

PAGES: 2

FROM: Don Sime, Plat Review, 101 E Wilson St FL 9, Madison WI 53703
Phone: (608) 266-3200, Fax: (608) 264-6104, Email: plat.review@doa.wi.gov

TO: Robert Plumb, PLUMB BOB SURVEYS, INC
Phone: 715/552-2226, Fax: 715/552-2229, Email: pbsinc@chorus.net

SUBJECT: MINNOW CREEK ESTATES, File No 28437-0126

COMMENTS:

- s. 236.15 (1) (d) The (approximate) perpendicular distance from the water's edge of the EAU CLAIRE RIVER to the angle point on the meander line in the PARK must be shown.
- s. 236.20 (1) (a) You must request in writing a waiver for the requirement of s. 236.20 (1) (a), Wis. Stats., specifying that the plat be drawn at a scale of not over 100' to 1".
- Based on the overall size of the parcels, we will agree with the 150' to 1" scale and waive strict compliance with the scale requirement as allowed by s. 236.20 (2) (L), Stats., provided that a detail sketch showing the relation of the monumentation at both ends of curve C12 is shown. All other boundaries, lettering, line data and other information on the plat drawing is clearly legible as shown.
- s. 236.20 (2) (c) The **526.51'** length from the SW corner of lot 5 to the meander corner should be shown along the south line of lot 5.
- The center of the temporary cul-de-sac easement at the west end of CHIPPEWA TRAIL must be tied by bearing and distance to an adjacent lot corner, or otherwise provide for field location of the easement.
- s. 236.20 (2) (j) The area of lot 21 computes and must be changed to **59,335** s.f.
- s. 236.20 (3) (e) The adjoining ARROWHEAD TRAIL right-of-way boundaries south of the subdivision must be drawn with dashed or dotted lines.
- s. 236.20 (4) (a) The street name (ARROWHEAD TRAIL?) or "public street" must be shown for the north-south oriented street within the subdivision.

The Plat Review Process

Page 14
MINNOW CREEK ESTATES
Robert Plumb
January 14, 2015

- s. 236.21 (1) (b) Should line 21 of the Surveyor's Certificate be changed to "...to the Northerly *R/W* of the Mountain Bay Trail...?"
- s. 236.21 A Town of Ringle approval certificate must be added to the plat.

NOTES TO SURVEYOR:

-The meander line should be labeled on the drawing.

-To help us, and other review authorities, track revised drawings, **please include a revision date on each Sheet of your substitute drawing.**

-If a portion of the plat is "reconfigured" a resubmittal fee must be included with the substitute drawing. There will be a fee of \$80 for changes to 1-4 parcels. If 5 or more parcels are "reconfigured", there will be a fee of \$80 for the first 4 parcels and \$10 for each additional parcel. If you have any questions please contact us at the number listed above.

The Plat Review Process

SAMPLE "ANTICIPATE CERTIFICATION" LETTER

This letter is sent by Plat Review to the Surveyor/Developer upon request to provide confirmation to local units of government that the plat is in the review process.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JAMES E. DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY
Plat Review
P.O. Box 1645, Madison, Wisconsin 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@doa.wi.gov
<http://doa.wi.gov/platreview/>

DATE: February 7, 2005 **0029**
25099

TO: James Grothman, GROTHMAN & ASSOCIATES
P.O. Box 373, Portage WI 53901
Phone: 608/742-7788, Fax: 608/742-0434

FROM: Don Sime, Plat Review
101 E Wilson St FL 9, Madison, WI 53703
Phone: (608) 266-3200, Fax: (608) 264-6104
Email: plat.review@doa.wi.gov

SUBJECT: DELTON WOODS

Dear Mr. Grothman:

You have submitted DELTON WOODS for review. Today, we completed our initial review of the plat. Some minor mathematical and drafting revisions may be required, and will be outlined in our comments sent under separate cover. Street widths, lot widths and areas and accessibility to a public street appear to comply with applicable requirements. Layout changes do not appear necessary. No other objecting agencies are involved with the review of this plat.

Subsequent to our review of any required changes, we anticipate that we will certify no objection to the plat.

If there are any questions concerning this review, please contact our office, at the number listed below.

Sincerely,

Don Sime

Don Sime
Plat Review
Phone: (608) 266-3200

The Plat Review Process

SAMPLE FINAL PLAT CERTIFICATION LETTER

This letter is sent by Plat Review to the Surveyor that submitted the plat for review, to provide confirmation that Plat Review has certified no objection to the plat.



JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Plat Review

101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

0191

June 14, 2005

PERMANENT FILE NO. 25457

JOE SCHROEDL
PENINSULA LAND CONSULTANTS, LLC
824B EGG HARBOR RD
STURGEON BAY WI 54235

Subject: DONEFF ADDITION TO EGG HARBOR-PHASE II
NW 1/4 S 30 T30N R27E
VILLAGE OF EGG HARBOR, DOOR COUNTY

Dear Mr. Schroedl:

You have submitted DONEFF ADDITION TO EGG HARBOR-PHASE II for review. The Department of Administration does not object to the final plat. We certify that it complies with: s. 236.15, s. 236.16, s. 236.20, and s. 236.21, Wis. Stats.; and the Door County Planning Department.

DEPARTMENT OF ADMINISTRATION COMMENTS:

s. 236.16 (2) This section requires in part that all streets be a minimum of 60' in width unless otherwise permitted by local ordinance. The streets in this subdivision are 50' in width. We are aware that the Village Ordinance contains a provision that allows the Village Board to approve the 50' right-of-way widths.

Final approval by the Village Board of the Village of Egg Harbor will signify compliance with all local ordinances.

The Plat Review Process

Page 17

DONEFF ADDITION TO EGG HARBOR-PHASE II

Joe Schroedl

June 14, 2005

0191

COUNTY PLANNING AGENCY:

The Door County Planning Department is an objecting agency on this plat. On May 6, 2005, we transmitted copies to them for review. On May 17, 2005, they returned a copy of the plat certifying no objection.

The plat shall be presented to the Village Board for final approval and signing. The Village, during its review of the plat, will have resolved when applicable that the plat:

- complies with local comprehensive plans, official map or subdivision control ordinances;
- conforms with areawide water quality management regulations;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- is served by public sewer or private sewage systems;
- includes service or is serviceable by necessary utilities.

Any changes to the plat involving details checked by this Department or the Door County Planning Department will require submission of the plat to the Department for recertification before the plat is eligible for recording. Such changes can be found by comparing the recordable document with the half-size copy of the certified plat furnished with this letter.

If there are any questions concerning this review, please contact our office, at the number listed below.

Sincerely,

Reneé M. Powers, Supervisor

Plat Review

Phone: (608) 266-3200

Enc: Recordable Document, Original, Print

cc: Robert A Doneff, Owner
Clerk, Village of Egg Harbor
Door County Planning Department
Register of Deeds

ORIGINAL RECEIVED FROM SURVEYOR ON 5/6/05; REVIEWED ON 6/8/05;
SUBSTITUTE ORIGINAL RECEIVED FROM SURVEYOR ON 6/13/05.

The Plat Review Process

SAMPLE PRELIMINARY PLAT CERTIFICATION LETTER

This letter is sent by Plat Review to the Surveyor that submitted the plat for review, to provide confirmation that Plat Review has certified no objection to the plat.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Plat Review

101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

June 10, 2005

191
PERMANENT FILE NO. 25458

GREGORY A. KUNZ
NATIONAL SURVEYING & ENGINEERING
16745 W BLUEMOUND RD STE 200
BROOKFIELD WI 53005

Subject: KETTLE RIDGE FARMS
NE 1/4 S 34
SE 1/4 S 27 T6N R18E
TOWN OF GENESEE, WAUKESHA COUNTY

Dear Mr. Kunz:

You have submitted the preliminary plat of KETTLE RIDGE FARMS for review. The Department of Administration does not object to this preliminary plat and certifies it as complying with the requirements of: s. 236.16, and s. 236.20 Wis. Stats.; and ch. Trans 233, Wis. Admin. Code. Certification of this plat does not include review for compliance with requirements relating to private sewage systems. See "Department of Commerce Review."

DEPARTMENT OF ADMINISTRATION COMMENTS:

We have examined and find that, with the exceptions noted below, this preliminary plat appears to conform with the applicable layout requirements of ss. 236.16 and 236.20, Wis. Stats.

- s. 236.16 (2) The streets within this plat scale and are assumed to be 66' in width.
- s. 236.20 (2) (e) All lands within a plat boundary must be designated as lots, outlots or public dedications. The area along the north line shown as a potential overlap must be designated as a consecutively numbered lot or outlot on the final plat or it must be left out of the plat. If it is left in the plat and there is a possibility another party has a valid claim to the area, the other party must be represented as a party of interest with an owner's certificate.
- s. 236.20 (3) (a) On the final plat, all 1/4 - 1/4 sections that the plat occupies part of must be identified in the caption under the plat name and in the Surveyor's Certificate.

The Plat Review Process

Page 19

KETTLE RIDGE FARMS

Gregory A. Kunz

June 10, 2005

191

s. 236.20 (5) (c) Complete water elevations must be shown for the creek on the final plat. The elevations must include approximate high and low water elevations and the elevation of the water as of the date of the survey.

NOTE TO SURVEYOR:

In the list of review authorities, the Village of North Prairie must be shown as an approving authority.

DEPARTMENT OF COMMERCE REVIEW:

Section 236.13 (1) (d), Wis. Stats., refers to reviewing plats for compliance with "The rules of the department of commerce relating to lot size and lot elevations necessary for proper sanitary conditions in a subdivision not served by public sewer, where provision for public sewer service has not been made."

On July 10, 2000 we were notified that "As of July 1, 2000, the Department of Commerce no longer has rules related to this provision. Therefore, the Department of Commerce is no longer in a position to certify or object to subdivision plats that would be submitted for review."

DEPARTMENT OF TRANSPORTATION:

The Department of Transportation is an objecting agency on this plat. On May 06, 2005 we transmitted two copies to them for review. On May 31, 2005 we received a copy of the plat certifying no objection.

Local government units, during their review of the plat, will resolve, when applicable, that the plat:

- complies with local comprehensive plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewerred;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- includes service or is serviceable by necessary utilities.

If there are any questions concerning this review or preparation and submittal of the final plat, please contact our office, at the number listed above. If there are any questions regarding private sewerage system review, please contact Allen C Wendorf, Department of Commerce, at (608) 873-5476.

Sincerely,

Sean M. Walsh, Plat Review

Enc: Original
cc: Kurt Andrae, Owner
Clerk, Town of Genesee
Clerk, Village of North Prairie
Waukesha County Parks & Land Use Department
Department of Commerce
Department of Transportation

ORIGINAL RECEIVED FROM SURVEYOR ON 5/6/05; REVIEWED ON 6/10/05

The Plat Review Process

SAMPLE PRELIMINARY PLAT OBJECTION LETTER

This letter is sent by Plat Review to the Surveyor that submitted the plat for review, to provide notice that a review agency has filed an objection to the plat.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
MARC J. MAROTTA
SECRETARY

Plat Review

101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

May 19, 2005

195
PERMANENT FILE NO. 25463

MICHAEL ZIEHR
CALKINS ENGINEERING LLC
5010 VOGES RD
MADISON WI 53718

Subject: ARROWWOOD HILLS - DEYOUNG FARM
SE 1/4 & SW 1/4 S 7 T8N R13E
CITY OF WATERLOO, JEFFERSON COUNTY

Dear Mr. Ziehr:

You have submitted the preliminary plat of ARROWWOOD HILLS - DEYOUNG FARM for review. The Department of Administration must withhold certification of this plat due to objections filed by the Jefferson County Planning and Zoning Department.

DEPARTMENT OF ADMINISTRATION COMMENTS:

We have examined and find that, with the exceptions noted below, this preliminary plat appears to conform with the applicable layout requirements of ss. 236.16 and 236.20, Wis. Stats.

- s. 236.20 (2) (e) Outlots must be consecutively numbered within each block and follow the lot numbering pattern throughout the subdivision. On the final plat, the following changes must be made:
- | <u>Shown as:</u> | <u>Change to:</u> |
|------------------|-------------------|
| Outlot 6 | Outlot 8 |
| Outlot 8 | Outlot 6 |
- s. 236.20 (4) (b) On the final plat, outlots 1, 2, 4, 5, 6, 7, 8, and 9 must be marked "Dedicated To The Public" (per notes 1 and 2 on the plat).

The Plat Review Process

Page 21

ARROWWOOD HILLS - DEYOUNG FARM

Michael Ziehr

May 19, 2005

195

COUNTY PLANNING AGENCY:

The Jefferson County Planning and Zoning Department is an objecting agency on this plat. On May 05, 2005 we transmitted copies to them for review. On May 19, 2005 we were notified that they object to the plat.

Local government units, during their review of the plat, will resolve, when applicable, that the plat:

- complies with local comprehensive plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewerage;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- includes service or is serviceable by necessary utilities.

If there are any questions concerning this review or preparation and submittal of the final plat, please contact our office, at the number listed below.

Sincerely,

Don Sime

Plat Review

Phone: (608) 266-3200

Enc: Original

cc: Dale Huston, Owner
Clerk, City of Waterloo
Jefferson County Planning and Zoning Department

ORIGINAL RECEIVED FROM SURVEYOR ON 05/05/05; REVIEWED ON 05/19/05

Recording

MEDIA - s. 236.25 (2) (a), Wis. Stats.

The following media requirements apply to survey documents that are to be recorded with the Register of Deeds office of the County in which the surveyed lands lie.

STATUTORY REQUIREMENTS FOR RECORDED SURVEYING DOCUMENTS

Document Type	Document Size	Margin Requirements	Recordable Document Is Durable White Media With Non-Fading Black Image, or other media*** acceptable to the Register of Deeds
SUBDIVISION PLAT s. 236.20 (1) (a,b & c), Wis. Stats.	22" X 30"	1" margin on all sides	Durable white media with non-fading black image Media Examples: Min. 24 lb. acid free paper with 25% ragstock Opaque white 4 mil. polyester film Muslin - backed white paper Image Examples: 24 lb. paper: Permanent or pigment ink for select ink jet printers. Film: Toner transfer fusing technology that heats and presses toner onto media (select Océ and Xerox Synergix printers). Muslin-backed paper: Photographic silver haloid image. Note: Laser jet printers and non heat and press plotters do not produce a permanent non-fading image.
ASSESSOR'S PLAT s. 70.27 (6) and s. 236.20 (1) (a & b), Wis Stats.	22" X 30"	1" margin on all sides	
CEMETERY PLAT s. 157 Wis. Stats.	22" X 30"	1 1/2" binding margin on left (short) side with 1" margin on other sides	
CERTIFIED SURVEY MAP s. 236.34 (1) (c), Wis. Stats.	8 " X 14"	1 1/2" binding margin (top) with 1/2" margin on other sides	
CONDOMINIUM PLATS (SURVEY MAPS & FLOOR PLANS) s. 703.11 (2) (d), Wis. Stats.	14" X 22"	1 1/2" binding margin on left (short) side with 1" margins on other sides	
MUNICIPAL, TOWN OR COUNTY PLATS s. 236.45 (2) (a), Wis. Stats.	22" X 30" ^^	1" margin on all sides ^^	

^^ Local subdivision ordinance may dictate more restrictive requirements for document size and margins for local plats created per s. 236.45.

*** This provision allows for electronic recording of plats once a procedure is in place.

Recording

CONDITIONS FOR SUBDIVISION PLAT RECORDING

Recording Time Limits

s. 236.25 (2) (b),
Wis. Stats.

A plat is entitled to be recorded only if presented to the register of deeds within 36 months of the date of the first approval authority signature, and within 12 months of the last approval authority signature.

Seals, Signatures, and Certificates

s. 236.25 (2) (c),
Wis. Stats.

A plat is entitled to be recorded only if the following appears on the face of the document:

- The seal and signature of the Surveyor who produced or directed the production of the plat, on all sheets.
- The Department of Administration certification of no objection **OR** The approval authority Clerk's certification that no objections to the plat have been filed.
- All certificates and affidavits required by s. 236.21 and s. 236.11 (2) (Surveyor, Owner, Treasurer, Mortgagee, Planning agency certificates).
- Certificates of approval from all authorities required by s. 236.10 to approve the plat. **OR** Certificate of the approving authority Clerk that the plat has been deemed approved per s. 236.11 (2) (Inaction by approval authority).

s. 236.25 (2) (d),
Wis. Stats.

Notification

s. 236.26, Wis.
Stats.

The register of deeds must provide notice in writing, to all objecting and approving authorities shown on the plat, that the plat has been recorded.

s. 236.27, Wis.
Stats.

The subdivider must provide a copy of the recorded plat to the Clerk of the municipality or town in which the subdivision is located.

EFFECTS OF SUBDIVISION PLAT RECORDING

Description of lots.

s. 236.28, Wis.
Stats.

Upon recording, all lots within the plat shall be described by the name of the plat, and by lot or block and lot within the plat, for all purposes of conveyance, devise, descent, assessment, taxation, and all other purposes.

All portions of subsequently vacated streets and alleys abutting said lots shall be conveyed to the lot owner, unless language exists to indicate otherwise.

Recording

EFFECTS OF SUBDIVISION PLAT RECORDING

Dedications

s. 236.29, Wis.
Stats.

Upon recording, any donation or grant to the public, or to any person, society, or corporation, as marked on the plat shall be sufficient to convey the fee simple of all parcels so marked, exclusively for the use and purposes expressed on the plat.

Upon recording, lands dedicated to the public for streets, alleys, ways, commons, or other public uses as designated on the plat shall be held in trust for such uses by the town, city, or village in which the platted land lies. Such dedications are deemed accepted by the town, village, or city upon approval and recording of the plat.

Easements and Restrictions

Any restriction or grant of easement shown on the plat becomes valid upon recording of the plat.

s. 236.293, Wis.
Stats.

Restrictions or grants of easement required by a public body for plat approval, or which names a public body or public utility as grantee, gives said public body or utility the right of enforcement of such restrictions or grants of easement.

Such restrictions or grants of easement may be released in writing only by the public body or utility having the right of enforcement.

Submitting to Plat Review

Department of Administration - Plat Review accepts Preliminary Subdivision plats and Final Subdivision plats for review and certification of compliance with ch. 236. Plat Review will also accept Certified Survey Maps, and local plats created per s. 236.45, for advisory review as required by local ordinance.

Hard Copy submittal

Plats may be submitted on any media capable of being reproduced with a black image on a white background. White bond paper (straight from the plotter), vellum, or translucent mylar with a black (positive) image are all acceptable media. Blueline prints or mylar with a negative image are not acceptable.

Plats submitted via US mail should be sent to:

**Plat Review - Dept. of Administration
PO Box 1645
Madison WI 53701**

Plats submitted via private carrier (UPS, FedEx, etc.) should be sent to:

**Plat Review - Dept. of Administration
101 E Wilson St FL 9
Madison WI 53703**

Be sure to package the submittal to avoid damage. We recommend the use of a mailing tube; plats sent folded in envelopes are often damaged and illegible.

The paper submittal should include:

- One full size version of the plat, drawn to scale.
- The completed Request For Land Subdivision Plat Review Form.
- Appropriate fees.
- Additional material as required (such as monumentation waiver request, verification of local ordinance provisions, scale waiver request, drainage plans, county review fees, etc.).

*ch. Adm 49.03,
Wis. Admin. Code*

*ch. Adm 49.06(2),
Wis. Admin. Code*

The review time limit starts when Plat Review receives a complete submittal.

Submitting to Plat Review

Electronic submittal

Plats may be submitted via e-mail to:

plat.review@wi.gov

Plat Review is capable of working with the following file formats:

- Adobe Acrobat (any full version, file extension .pdf)
- AutoCAD (any version, file extension .dwg)

Do not send the plat as an image file (file extensions .tif, .jpeg, etc). We cannot accurately reproduce these files to scale.

The digital submittal should include:

- A scale drawing of the plat to fit on a 22" x 30" sheet size.
Do not send scaled up or down versions of the plat. You may use a larger sheet size (such as 24" x 36") if your system does not allow for non-standard sheet sizes.
- A copy of the completed Request For Land Subdivision Plat Review Form, with the appropriate fees attached to the form.
- Copies of additional material as required (such as monumentation waiver request, verification of local ordinance provisions, scale waiver request, drainage plans, county review fees, etc.).

You must also send the original Request for Land Subdivision Plat Review Form and the appropriate fees by mail; however, the review time limit will start upon receipt of the electronic submittal, provided that a copy of the form and fee is included with the electronic submittal.

Submitting to Plat Review

The Request For Land Subdivision Plat Review Form and Fee Schedule

All submittals must be accompanied by a completed Request For Land Subdivision Plat Review form and Fee Schedule. You may copy and use the form included with this manual, or contact our office and we will fax or mail the form to you. The form is also available online at: <http://doa.wi.gov/platreview/>

The form serves as authorization to review the plat; we can not enter the plat into the review process without a completed form that includes the land surveyor's seal.

Please complete the form as follows.

ALL SUBMITTALS:

- The subdivision name.
- The county (or counties) in which the subdivision is located.
- The Surveyor's seal, signature, and date.
- The subdividers name and /or company name, mailing address, phone number, and e-mail address.
- Surveyor's name, company (if any), e-mail address, phone, and fax numbers.
- Surveyor's street address (UPS will not deliver to P.O. box). *Please include the Surveyor contact information with every submittal so that we may keep our database current.*

PRELIMINARY PLAT SUBMITTALS:

All of the aforementioned, and:

- Item 5 - "check" the box to indicate that the subdivider or surveyor is submitting the plat directly to Plat Review.
- Item 6 - "check" the appropriate box to indicate that the subdivision is or is not served by public sewer facilities.
- Item 7 - "check" the box to indicate that a check or money order for the Department of Administration Plat Review fee is included.
- Item 8 - "check" the box to indicate that the subdivision does not abut a State, Federal, or Interstate highway, OR "check" the box to indicate that the plat abuts a highway, and the Department of Transportation request for review form is included.

Submitting to Plat Review

FINAL PLAT SUBMITTALS:

All of the aforementioned, and:

- Item 1 - “check” the box to indicate that the surveyor has found or set all monuments within the subdivision and the exterior boundary as required by s. 236.15 (1) OR “check” the box to indicate that all exterior boundary monuments have been set, and the Town, City, or Village in which the subdivision lies has temporarily waived the placement of interior block and lot monuments as allowed by s. 236.15 (1) (h).
- Item 2 - “check” the appropriate box to indicate that Plat Review will produce the recordable document, OR “check” the box to indicate that the subdivider or Surveyor will produce the recordable document.
- Item 3 - If a preliminary plat has been submitted to our office for review, please indicate the name of the preliminary plat.

FEE SCHEDULE

All submittals must be accompanied by a completed Fee Schedule. You may copy and use the schedule included with this manual, or contact our office and we will fax or mail the schedule to you. The schedule is also available online at:

<http://doa.wi.gov/platreview/>

*ch. Adm 49.06(2)
Wis. Admin. Code*

We can not enter the plat into the review process without receipt of the required fees.

Please complete the schedule as follows. See schedule for current fee structure.

Preliminary Plats:

- Initial filing fee: This flat rate fee is included only with the first submittal of a plat. The fee covers our costs for setting up and maintaining the permanent file for the plat.
- Review fee: This flat rate fee is included with the first submittal of the plat, and any resubmittals subsequent to certification of or objection to the plat.
- Reprographics and postage fee: This per sheet fee covers the cost of transmitting copies of the plat to other review agencies, and notice and return of the certified plat.

Submitting to Plat Review

ch. Adm 49.03,
Wis. Admin. Code

FEE SCHEDULE

Final Plats and Assessors Plats:

- Initial filing fee: This flat rate fee is included with the final plat only if a preliminary plat has not been submitted. The fee covers our costs for setting up and maintaining the permanent file for the plat.
- Parcel fee: This per parcel fee is included with the first submittal of the final plat, and with any subsequent revisions that result in layout changes. All parcels labeled as lots or outlots are counted to determine the fee.
- Reprographics and postage fee: This per sheet fee covers the cost of transmitting copies of the plat to other review agencies, and reproduction of the recordable document.

Miscellaneous Fees: Contact Plat Review to determine fees for review of Certified Survey Maps, Local Plats, or other services.

ALL CHECKS FOR PLAT REVIEW FEES MUST BE MADE OUT TO: DEPARTMENT OF ADMINISTRATION.

REVISIONS

Revised (substitute) plat drawings to address review requirements may be submitted in the same formats as originals. A request for review form is not required; however, it is helpful to include a cover letter outlining the revisions. To avoid multiple revisions, we request that revised plats be submitted only after the requirements from all review agencies have been determined.

There is a flat review fee for revised plats; if the revisions result in the reconfiguration of lots, streets, or subdivision boundaries, the standard parcel fee applies for all affected parcels. Plat review must receive the revision fees prior to our certification of the plat.

RESUBMITTALS

If the plat is resubmitted with minor changes subsequent to certification by Plat Review, the standard reprographics and postage fee per sheet will be charged. We will process the resubmittal as quickly as our workload allows.

If the plat is resubmitted with layout changes, the standard parcel fee will also be charged for all affected parcels. If the changes require review by other objecting agencies, the full review time limit will be in effect.

Wisconsin Subdivision Plat Review Submittal Checklist

- 1) Completed ["Request for Land Subdivision Plat Review" form](#) and fee.
- 2) If subdivision abuts a Federal, State Trunk, or Connecting Highway provide following:
Completed [WISDOT Subdivision Review Request form](#).
- 3) If subdivision includes full streets less than 60' width (excluding frontage and service roads) provide following:
Ordinance number and section allowing street widths less than that required by [s. 236.16 \(1\)](#): _____
Internet link to ordinance: _____
- 4) If subdivision includes Town roads that do not comply with [s. 82.50](#) Town Road Standards provide following:
Verification from Town Board that D.O.T. has approved deviation from Design Standards.
- 5) If subdivision includes lots accessed by private road or easement provide following:
Ordinance number and section allowing private road or easement as provided for by [s.236.20\(4\)\(d\)](#): _____
Internet link to ordinance: _____
- 6) If subdivision includes lots less than 50' avg. width (60' avg. width in counties with less than 40,000 population) as required by [s. 236.16 \(1\)](#) provide following
Ordinance number and section allowing smaller average lot widths: _____
Internet link to ordinance: _____
- 7) If subdivision includes lots less than 6,000 sq.ft. area (7,200 sq.ft. area in counties with less than 40,000 population) as required by [s. 236.16 \(1\)](#) provide following:
Ordinance number and section allowing for smaller square foot area lots: _____
Internet link to ordinance: _____
- 8) If subdivision abuts or includes navigable waters and public access per [s. 236.16 \(3\)](#) is NOT included provide following:
Completed Request for Public Access Waiver form.
- 9) If subdivision includes lands or streets that are or have been vacated or discontinued provide following:
Copy of vacation/discontinuance resolution/ordinance/court order.
- 10) If monuments can NOT be set at all corners per [s. 236.15 \(1\) \(a-d\)](#) provide following:
Completed [Monument Waiver Request Form](#).
- 11) If plat is NOT drawn at scale of not more than 100 feet to 1 inch provide following.
Completed [Scale Waiver Request Form](#).

Paper Drawing Submittal:

One print bearing Surveyor's original seal and signature, on 22" x 30" media capable of legible reproduction.

Electronic Drawing Submittal:

Email to plat.review@wi.gov a PDF file of the scale drawing on 22" x 30" minimum sheet size along with a copy of completed "Request for Land Subdivision Plat Review" form. Mail in completed form with the check.

Submitting to Plat Review

EXAMPLES RELATED TO THIS SECTION

Request for Land Subdivision Plat Review form

This completed form must be included with all plats and certified survey maps submitted to Plat Review.

Notification of Change Letter

This letter should accompany a copy of a plat submitted to Plat Review to determine if changes to a certified plat will require review and recertification.

Submitting to Plat Review

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Request for Land Subdivision Plat Review

Department of Administration

Plat Review – DOA
Shipping Address: 101 E Wilson St FL 9
 Madison WI 53703
Mailing Address: PO Box 1645
 Madison WI 53701
Phone: 608-266-3200 **Fax:** 608-264-6104
Email: plat.review@wi.gov
Web: <http://doa.wi.gov/platreview>

Subdivision Name: _____	
County: _____	Surveyor's Seal
Surveyor, Company & Shipping Address:	
Name: _____	
Company: _____	
Shipping Address: _____	

Phone: _____	
Fax: _____	
Email: _____	
_____ Surveyor's Signature	_____ Date

Complete: 1-8 for FINAL Plats; 4-8 for PRELIMINARY Plats; 7 for ASSESSOR'S Plats; or 1 & 4 for CSMs

I certify that, as the Wisc. Registered Land Surveyor responsible for the field survey & preparation of this plat:

1. All monuments have been set per s. 236.15 (1), Wis. Stats.
 OR
 All exterior boundary monuments have been set, but the town, village or city has temporarily waived placing interior monuments per s. 236.15 (1)(h), Wis. Stats.

2. Plat Review will make recordable document.
 OR
 Surveyor will make recordable document.

3. Preliminary plat name: _____

4. Subdivider's name,
 address and email: _____

ENCLOSURES:	
5. <input type="checkbox"/> Original drawing from surveyor. Number of sheets _____	□
6. Is this plat served by public sewer? <input type="checkbox"/> Yes <input type="checkbox"/> No	□
7. <input type="checkbox"/> Check or money order covering Department of Administration, Plat Review fee	□
8. DOT: <input type="checkbox"/> Not abutting a S.T.H., U.S.H. or I.H. OR DOT <input type="checkbox"/> form enclosed.	□

Surveyor's Receipt & Transmittal Record		Shaded Area for Office Use Only	
Date Received:	Date Time Limit Expires:	Preliminary	
Date Copies Sent:		Final	
DOT:	County:	Assessor CSM	
By:	Plat Review Officer		

Fee Schedule

A Guide for Calculating the Fee Required by Adm 49, Wis. Admin. Code

PRELIMINARY PLAT

\$ _____ \$125 Initial Filing Fee***

\$ _____ \$100 Review Fee

\$ _____ Reprographics & Postage Fee - \$40/sheet x _____ sheets (required for all plats)

***NOTE: The \$125 initial filing fee is required with the first submittal of the plat. An addition to a plat, even if originally part of an overall preliminary plat, or a replat is a new file which requires the \$125 initial filing fee.

FINAL PLAT

\$ _____ \$125 Initial Filing Fee (no preliminary plat submitted)***

\$ _____ Parcel Fee - \$30/parcel x _____ parcels (\$120 minimum)

\$ _____ Reprographics & Postage Fee - \$40/sheet x _____ sheets (required for all plats)

ASSESSOR'S PLAT

\$ _____ \$125 Initial Filing Fee***

\$ _____ Parcel Fee - \$30/parcel x _____ parcels (\$120 minimum)

\$ _____ Reprographics & Postage Fee - \$40/sheet x _____ sheets (required for all plats)

REVISED PLAT (not certified)

\$ _____ \$120 Review Fee (minimum parcel fee)

\$ _____ Reconfiguration Fee (modification of parcel boundaries)-\$30/parcel x _____ parcels (\$120min)

RESUBMITTED PLAT (previously certified or withdrawn)

\$ _____ \$120 Review Fee (minimum parcel fee)

\$ _____ Recertification Fee (reprographics & postage) - \$40/sheet x _____ sheets

\$ _____ Reconfiguration Fee (modification of parcel boundaries)-\$30/parcel x _____ parcels (\$120min)

MISC

\$ _____ \$100 **Certified Survey Map**

\$ _____ \$ 50 Written pre-submission consultation request.

\$ _____ **TOTAL FEE DUE** _____ Advance Deposit Account number

Attach check or money order here, payable to: **Department of Administration**

Submitting to Plat Review
WOODMAN & ASSOCIATES
Registered Land Surveyors

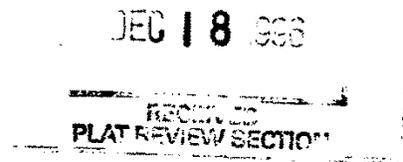
210 MADISON AVENUE
FORT ATKINSON, WISCONSIN 53538
(414) 563-8162
FAX (414) 563-6654

JAMES B. WOODMAN
REGISTERED LAND SURVEYOR

MARK E. ANDERSON
REGISTERED LAND SURVEYOR

December 17, 1996

Department of
Attn: Plat Review
P.O. Box
Madison, WI



RE: RIVERVIEW HEIGHTS-SOUTH

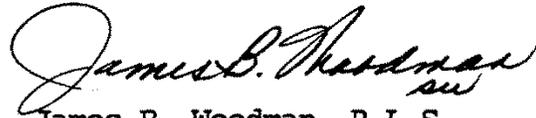
Gentlemen:

I have added the data on the final plat as per the enclosed copy.

Please notify me if this will require re-submittal of the plat for your re-certification.

Sincerely,

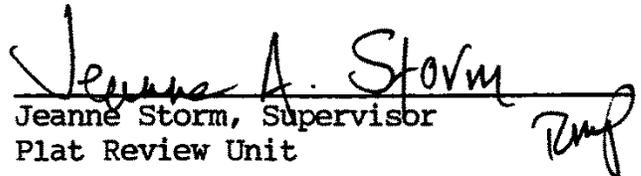
WOODMAN & ASSOCIATES


James B. Woodman, R.L.S.

JBW:sw
Enclosures

I have reviewed the changes as shown and have determined that they do not affect the certification of this plat and therefore no re-submittal is necessary.

Date 1-2-97


Jeanne Storm, Supervisor
Plat Review Unit

Summary of Time Limits

PRELIMINARY PLAT	Calendar days
Local Review -Town, City, Village, County	90 days ²
State Review - DOA - DOT & County ¹	30 days (20 days if Clerk transmits to DOA) 20 days
Appeal of an Action	30 days from notice of rejection or objection
FINAL PLAT	
Local Review	60 days ²
State Review -DOA -DOT & County ¹	30 days (20 days if Clerk transmits to DOA) 20 days
Appeal of an Action	30 days from notice of rejection or objection
Recording Deadline	36 months from first approval /12 months from last approval signature on the plat (12 months if only one approval). ³ Missing these recording deadlines will require local re-approval of the plat.
COUNTY/LOCAL PLAT	
Local Review	60 days ²
State Review	State review & certification is not required. 30 days - Plat Review may review these plats for consistency with the statute, but does not take an official action.
Recording Deadline	36 months from first approval /12 months from last approval signature on the plat (12 months if only one approval). Missing these recording deadlines will require local re-approval of the plat.
CSM	
Local Review	90 days ²
State Review	State review & certification is not required. 20 days - Plat Review may review these maps for consistency with the statute, but does not take an official action.
Recording Deadline	24 months from first approval /6 months from last approval signature on the map (6 months if only one approval). Missing these recording deadlines will require local re-approval of the map.
ASSESSORS PLAT	
State Review	30 days
Public Inspection	30 days – on file for public inspection
Local Approval	Anytime after public inspection if no suit has been filed and revisions are made.
Recording Deadline	None, may be recorded after local approval
CEMETERY PLAT	
Local Review	No time limit
Recording Deadline	30 days from approval

***** ALL REVIEW TIME LIMITS MAY BE EXTENDED BY MUTUAL AGREEMENT.*****

¹ County Planning Agency with objecting authority.

² Local ordinance may not have more restrictive review time limits.

³ State certification is valid for recording until a statute or admin. rule changes.

Monuments

PLACEMENT

Monuments must be placed flush with the ground at all:

- **Exterior** boundary corners and angle points, meander corners and angle points, and curve PCs and PTs;
- **Interior** block, street right-of-way, curve PCs and PTs and angle points;
- **Lot and outlot** corners, angle points, and curve PCs and PTs;
- **Meander** corners and angle points, and at the intersections of lot lines and meander lines.

When an exterior boundary corner, angle point, or curve P.C / P.T. falls within a street in a subdivision plat, the monument is set along the right-of-way line.

Meander corner monuments must be set 20 feet or more back from the ordinary high water mark of lakes or from the bank of a stream.

Existing monuments that are archival and accepted as correct should not be removed and reset even if they do not comply with the standards of s.236.15 (1), Wis. Stats. They are noted as "existing" or "found" and described by type, diameter, material, etc.

Monuments must be set, or found and accepted, at the true corner locations; it is not permissible to show set or accepted monuments as being "off line". If the deed or other recorded description does not agree with the found monument location, then show the "recorded as" bearing and distance between the monument, along with that measured.

All subdivision exterior boundary monuments must be set prior to submittal of the plat. The primary approval authority may grant a **temporary waiver for placing interior monuments**. The subdivider provides a surety bond to ensure that the monuments will be set within the time designated.

s. 236.15 (1)(ac),
Wis. Stats.

s. 236.20 (2) (b),
Wis. Stats.

s. 236.15 (1) (h),
Wis. Stats.

Monuments

STANDARDS

s. 236.15 (1)(ag),(b),
Wis. Stats

Exterior boundary, interior block/ROW corner monuments:

Minimum: Length: 18" Weight: 3.65 lbs./lin.ft
Typical: 2" o.d. x 18" iron pipe, 3.65 lbs/lin ft
1 1/4" x 18" iron bar, 4.17 lbs/lin ft
1 1/4" x 18" iron re-bar, 4.30 lbs/lin ft
5" dia. concrete w/ imbedded ferrous rod
4" sq. concrete w/ imbedded ferrous rod

s. 236.15 (1)(c),(d),
Wis. Stats

Lot/outlot, public dedication, meander corner monuments:

Minimum: Length: 18" Weight: 1.13 lbs./lin.ft
Typical: 1" o.d. x 18" iron pipe, 1.13 lbs/lin ft
3/4" x 18" iron bar/rebar, 1.50 lbs/lin ft

Any size or shape ferrous bar or pipe that meets the minimum length and weight requirements is acceptable.

s. 236.15 (1)(f),
Wis. Stats

Any durable metal or concrete monument may be used, provided they have an embedded permanent magnet near the top, and are uniform throughout the platted area.

Note that the above are minimum requirements. The Surveyor must exercise judgment when conditions warrant the use of longer or larger monuments to ensure that the monuments are retracable.

MONUMENT WAIVERS

s. 236.15 (1)(g),
Wis. Stats

When strict compliance with the monumentation requirements is unduly difficult, the Surveyor may request a waiver of the requirements.

- To obtain a waiver, the Surveyor must submit a request in writing to Plat Review along with the plat. The request must include:
- Reference to the statutory requirement to be waived.
- The location of the affected corners.
- The reason(s) negating use of standard monumentation.
- The proposed alternative monumentation.

Plat Review will grant or deny the request, or may propose other alternative monumentation. The grant of waiver should be noted on the plat, and will be included in our final Certification letter.

Monuments

s. 236.15 (1)(g),
Wis. Stats

MONUMENT WAIVERS

When strict compliance with the monumentation requirements is unduly difficult, **Plat Review may make other reasonable requirements**. The alternative must be sufficient for the exact retracement of the boundaries affected. Some examples are:

<u>Condition:</u>	<u>Alternative Monumentation:</u>
Corner falls in sidewalk, curb, or pavement.	Chiseled "X", Magnetic or P.K. nail, Drill Hole
Corner falls in bedrock or rock outcropping.	Chiseled "X" or drill hole.
Corner occupied by tree or other feature	Standard monuments, offset from corner on each line.
Corner occupied by building.	Standard monuments, set off line as witness corners. In some cases, the building corner is used to mark the boundary corner.

Plat Review can not waive the monument requirements for reasons of inconvenience (ex: corner occupied by moveable debris, corner in unharvested field, corner in thicket, etc.).

Monuments

EXAMPLES RELATED TO THIS SECTION

Monument Waiver Request Form

Monument Waiver Grant Letter

Monument Properties Tables

US Public Land Survey Monument Record

Request for Monument Waiver

**Plat Review
Department of Administration**

Plat Review – DOA
Shipping Address: 101 E Wilson St FL 9
Madison WI 53703
Mailing Address: PO Box 1645
Madison WI 53701
Phone: 608-266-3200 **Fax:** 608-264-6104
Email: plat.review@wi.gov
Web: <http://doa.wi.gov/platreview>

Subdivision Name or other map reference:

County:

Location: Section , T N, R , of

Survey Prepared For:

Surveyor, Company & Shipping Address:

Name:

Company:

Shipping Address:

Phone:

Fax:

Email:

Date:

1. Identify affected corners (e.g. "NE corner lot 1" or "Oak Road centerline"):

2. Describe conditions that prevent standard monumentation (e.g. "Corner occupied by tree" or "corner falls in right-of-way"):

3. Describe proposed alternate monumentation (e.g. "Chiseled X in concrete" or "3/4" x 18" rebar, offset to east on line"):

4. Include map.

5. Include any additional information.

Request Approved by:

Comments:

MONUMENT WAIVERS

When strict compliance with the monumentation requirements of [s. 236.15 \(1\) \(a, b, c, or d\), Wis. Stats.](#), is unduly difficult, **Plat Review may make other reasonable requirements** as allowed for by [s. 236.15 \(1\) \(g\), Wis. Stats.](#)

The alternative must be sufficient for the exact retracement of the boundaries affected. Some examples are:

Condition:	Example Alternative Monumentation:
Corner falls in sidewalk, curb, or pavement.	Chiseled "X", Magnetic or P.K. nail, Drill Hole.
Corner falls in bedrock or rock outcropping.	Chiseled "X" or drill hole.
Corner occupied by tree or other feature.	Standard monuments, offset from corner on each line.
Corner occupied by building.	Standard monuments, set off line as witness corners. In some cases, the building corner may be used as the boundary corner.
Corner falls on centerline or within road right-of-way. (no waiver required on subdivision or County plats)	Spike, Magnetic or P.K. nail. Monumentation within right-of-way be waived entirely if right of way lines are properly monumented on CSM's and other maps.

Plat Review can not waive the monument requirements for reasons of inconvenience (ex: corner occupied by moveable debris, corner in thicket or wetlands, etc.).

Monuments

Sample Monument Waiver Grant Letter



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JAMES E. DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY

Plat Review

101 E. Wilson St FL 9, Madison, Wisconsin 53703
PO. Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

March 22, 2004

STANLEY J. KING
BLACKHAWK ENGINEERING, LTD..
2 INSIGHT DRIVE
PLATTEVILLE, WI 53818

Subject: QUALITY WOOD TREATING CSM
FARM LOTS 38 AND 39
CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY

Dear Mr. King:

You have requested a waiver of the requirement of s. 236.15 (1) (c) that 1” diameter by 18” length iron pipe (or permitted equivalent) monuments be set at all Certified Survey Map (CSM) lot corners. You have proposed using a “P.K. nail” in lieu of the standard monument at the NE corner of lot 2, as the corner falls on concrete pavement as indicated on the CSM.

As allowed under s. 236.15 (1) (g), we agree with the proposed monumentation, and waive the requirement of s. 236.15 (1) (c) for the NE corner of lot 2. The proposed monumentation provides for adequate retracement of the corner; strict compliance with this section would be unduly difficult.

We suggest that you reference this grant of waiver on the CSM. If there are any questions concerning this waiver or preparation of the CSM, please contact our office at the number listed above.

Sincerely,

Don Sime
Plat Review

Monuments

Monument Tables		
WEIGHTS OF SQUARE & ROUND IRON BARS		
Thickness or diameter in inches	Weight of square bar 1 ft. long	Weight of round bar 1 ft. long
1/16	.013	.010
1/8	.053	.042
3/16	.119	.094
1/4	.212	.167
5/16	.333	.261
3/8	.478	.375
7/16	.651	.511
1/2	.850	.667
9/16	1.076	.845
5/8	1.328	1.043
11/16	1.608	1.262
3/4	1.913	1.502
13/16	2.245	1.763
7/8	2.603	2.044
15/16	2.989	2.347
1	3.400	2.670
1 1/16	3.838	3.014
1 1/8	4.303	3.379
1 3/16	4.795	3.766
1 1/4	5.312	4.173
1 5/16	5.857	4.600
1 3/8	6.428	5.049
1 7/16	7.026	5.518
1 1/2	7.650	6.008
1 9/16	8.301	6.520
1 5/8	8.978	7.051
1 11/16	9.682	7.604
1 3/4	10.410	8.178
1 13/16	11.170	8.773
1 7/8	11.950	9.388
1 15/16	12.760	10.020

Monuments

Sizes and Weights of Reinforcing Bars		
Bar No.	Size, diameter, inches	Weight, lb. Per ft.
2	1/4	0.167
3	3/8	0.376
4	1/2	0.668
5	5/8	1.043
6	3/4	1.502
7	7/8	2.044
8	1.0	2.670
9	1.128	3.400
10	1.270	4.303
11	1.410	5.313

IRON PIPE				
DIMENSIONS				
Nom. Dia. Inches	Outside Dia. Inches	Inside Dia. Inches	Weight per Foot lb..	
			Plain Ends	Thread & Cplg.
1/8	.405	.269	.24	.25
1/4	.540	.364	.42	.43
3/8	.675	.493	.57	.57
1/2	.840	.622	.85	.85
3/4	1.050	.824	1.13	1.13
1	1.315	1.049	1.68	1.68
1 1/4	1.660	1.380	2.27	2.28
1 1/2	1.900	1.610	2.72	2.73
2	2.375	2.067	3.65	3.68
2 1/2	2.875	2.469	5.79	5.82
3	3.500	3.068	7.58	7.62
3 1/2	4.000	3.548	9.11	9.20

AMERICAN INSTITUTE OF STEEL CONSTRUCTION

Monuments

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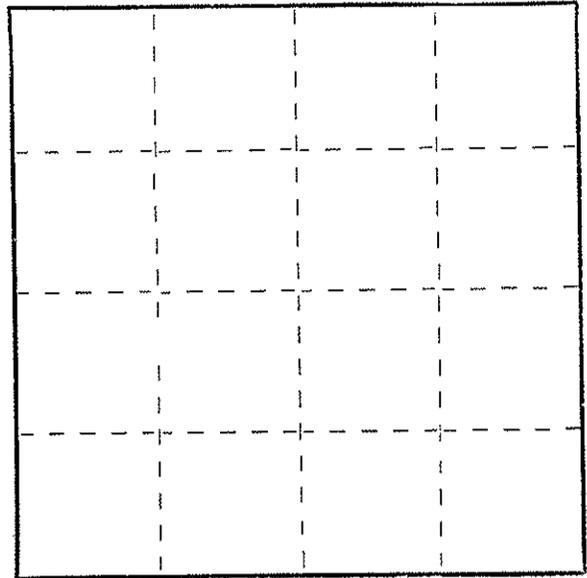
U. S. PUBLIC LAND SURVEY MONUMENT RECORD

I N S T R U C T I O N S :

This record shall show the location of the corner and shall include all of the following nine elements (a through i).

- (a) Identify the corner by reference to the U.S. public land survey system.

○ = Corner monument restored.



- (b) Describe any record evidence, monument evidence, occupational evidence, testimonial evidence or any other material evidence you considered, and whether the monument was found or placed.

- (c) In the plan view drawing below, provide reference ties to at least 4 witness monuments, or, if the location is within a municipality, to at least 2 witness monuments. (Witness monuments shall be made of concrete, natural stone, iron or other equally durable material.)
Describe witness monuments.

- (d) Show a plan view drawing depicting the relevant monuments and reference ties which is sufficient in detail to enable accurate relocation of the corner monument if the corner monument is disturbed. Indicate north.

(e) Describe any material discrepancy between the location of the corner as restored or reestablished and the location of that corner as previously restored or reestablished by distance and direction. Show the discrepancy on the plan view drawing under (d), above. Show the distances between the corner as previously restored or reestablished and (1) the corner as restored or reestablished, and (2) to at least 2 of the witness monuments shown on the drawing in (d), above.

(f) Was the corner restored through acceptance of (1) an obliterated evidence location, or, (2) a found perpetuated location?

(g&h) Was the corner reestablished through lost corner proportionate methods? If so, show the method, including the directions and distances to other public land survey corners used as evidence or used for proportioning in determining the corner location?

Affix Land Surveyor Seal

(i) I, _____
(type or print name) certify that the corner location shown on this record was determined by me or under my direction and control and that this U.S. Public Land Survey Monument Record is correct and complete to the best of my knowledge and belief.

Signature

Date

Lots, Outlots, and Blocks

PARCEL DESIGNATION

Subdivisions consist of blocks, lots, outlots, public streets, and public dedications. No other parcel designations are provided for by ch. 236.

s. 236.16 (1),
Wis. Stats.

Minimum Lot Standards

In counties with a population of 40,000 or more, lots must have an average width of 50 feet or more and contain 6,000 square feet or more of area.

In counties with a population of less than 40,000, lots must have an average width of 60 feet or more and contain 7,200 square feet or more of area.

Non - Standard Lots

Minimum lot width and area requirements may be reduced **ONLY** by local subdivision control ordinances when lots are served by public sewer.

If the subdivision contains non-standard lots, you must include or make reference to the ordinance with the plat submittal, or provide verification from the approving authority that the lots comply with local ordinance.

Outlots

Any parcel not designated as a lot, public street, or public dedication, must be designated as an outlot. This includes private roads, right-of-way islands, areas for future development, and all other non-buildable parcels retained by the developer or lot owners. Outlots may be of any size and shape, and do not need access to a public street. Outlots may be dedicated to the public. Outlots may be sold and/or built upon if they meet size and access requirements, and any restrictions on the outlot have been released.

s. 236.02 (7),
Wis. Stats.

Blocks

Blocks exist within a subdivision, regardless of being so designated or not. A block is generally defined as a group of lots/outlots or a single lot/outlot that is bounded by: a public street or other public dedication; an exterior subdivision boundary; or a navigable stream or lake.

Lots, Outlots, and Blocks

NUMBERING

Lots and Outlots

s. 236.20 (2)(e),
Wis. Stats.

Lots and outlots must be consecutively **numbered** within each block and throughout the subdivision.

In numbered additions to a subdivision, lot and outlot numbering must be sequential from the numbering of the initial plat.

Blocks

s. 236.20 (2)(d),
Wis. Stats.

Block designations are optional. If they are used they must be numbered consecutively or lettered alphabetically throughout the subdivision.

In numbered additions to a subdivision, block numbering must be sequential from the numbering of the initial plat, or must follow the pattern laid out on the initial plat.

Numbering Waiver

s. 236.20 (2)(L),
Wis. Stats.

Plat Review may waive strict compliance with the requirements of these sections under special circumstances, provided that the numbering system is logical and assigns a unique number to every lot and outlot within the subdivision.

ACCESS

Lot Access

s. 236.20 (4)(d),
Wis. Stats.

Each lot must have direct access to a public street or town road unless otherwise provided for by local ordinance.

Lot access to a public road via private street or ingress/egress easement is permitted ONLY when allowed by local ordinance.

If the subdivision contains lot access via easement of private street, you must include or make reference to the ordinance with the plat submittal, or provide certification from the approving authority that such access complies with local ordinance.

Outlot Access

Outlots are not required to have access to a public road.

Lots, Outlots, and Blocks

66 Op. Att'y Gen.
2 (1977)

*FAS, LLC v. Town of
Bass Lake, 2007 WI
73, 294 Wis. 2d 697,
717 N.W. 2d 853*

Parcels containing public streets and navigable streams

The Attorney General opinion 2-77 states, in part, that lots and outlots cannot extend across public roads (whether dedicated, by easement, or by prescription or use) or navigable lakes and perennial streams.

The Supreme Court of Wisconsin overruled part of this opinion in *FAS, LLC vs. Town of Bass Lake*, concluding that a navigable stream crossing a parcel does not sever the parcel when qualified title to property on both sides of the stream is held by the same owner. Parcel boundaries may then cross the navigable stream.

Plat Review follows this determination until further judicial or legislative action says otherwise; we recommend that the developer consult local land division and zoning regulations to determine area and frontage requirements of parcels that contain watercourses.

When a watercourse or public road is used as a boundary between parcels, any non-buildable parcel created should be designated as an outlot or public dedication; meander lines may be required for one or both parcels on each side of the watercourse.

An outlot on one side of the public road or watercourse may be conveyed with an adjacent lot when a restriction is placed on the plat, similar as follows:

Combined Conveyance Restriction

The following parcels are consolidated for all purposes, including those of assessment, taxation, and conveyance:

Lot 173 is combined with outlot 1;

Lot 174 is combined with outlot 2; (etc).

Lots, Outlots, and Blocks

EXAMPLES RELATED TO THIS SECTION

Consecutive lot numbering within a block.

Lot/Outlot numbering for parcels severed by navigable stream.

Local verification for reduced width (2).

Local verification for reduced lot size.

Request for verification of reduced lot width.

Request for verification of reduced lot area.

Lot Access via Easement or Private Road Permitted on Plat

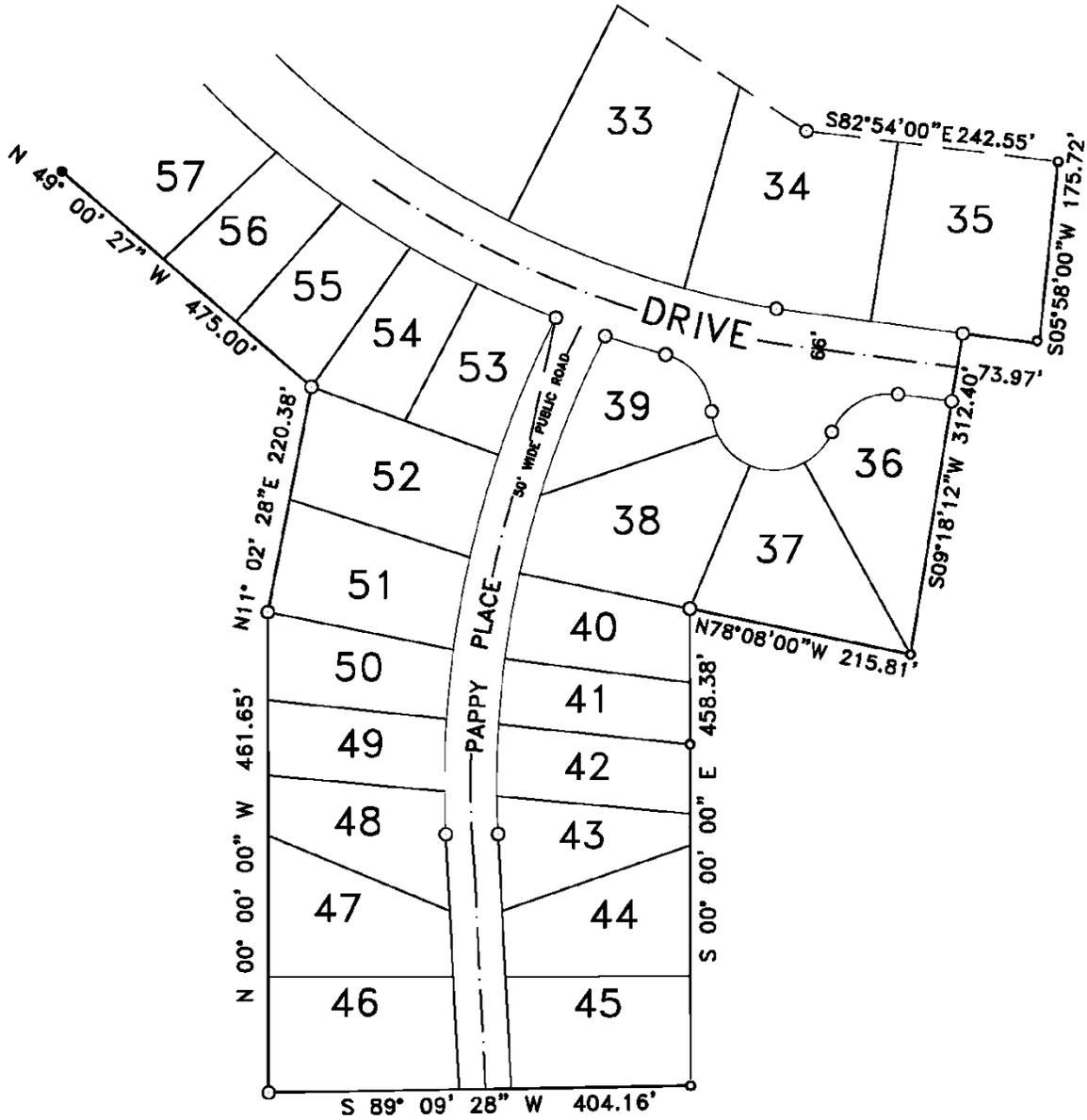
Local verification for lot access by private road (drive).

Local lot access by easement ordinance

Local verification for lot access by easement.

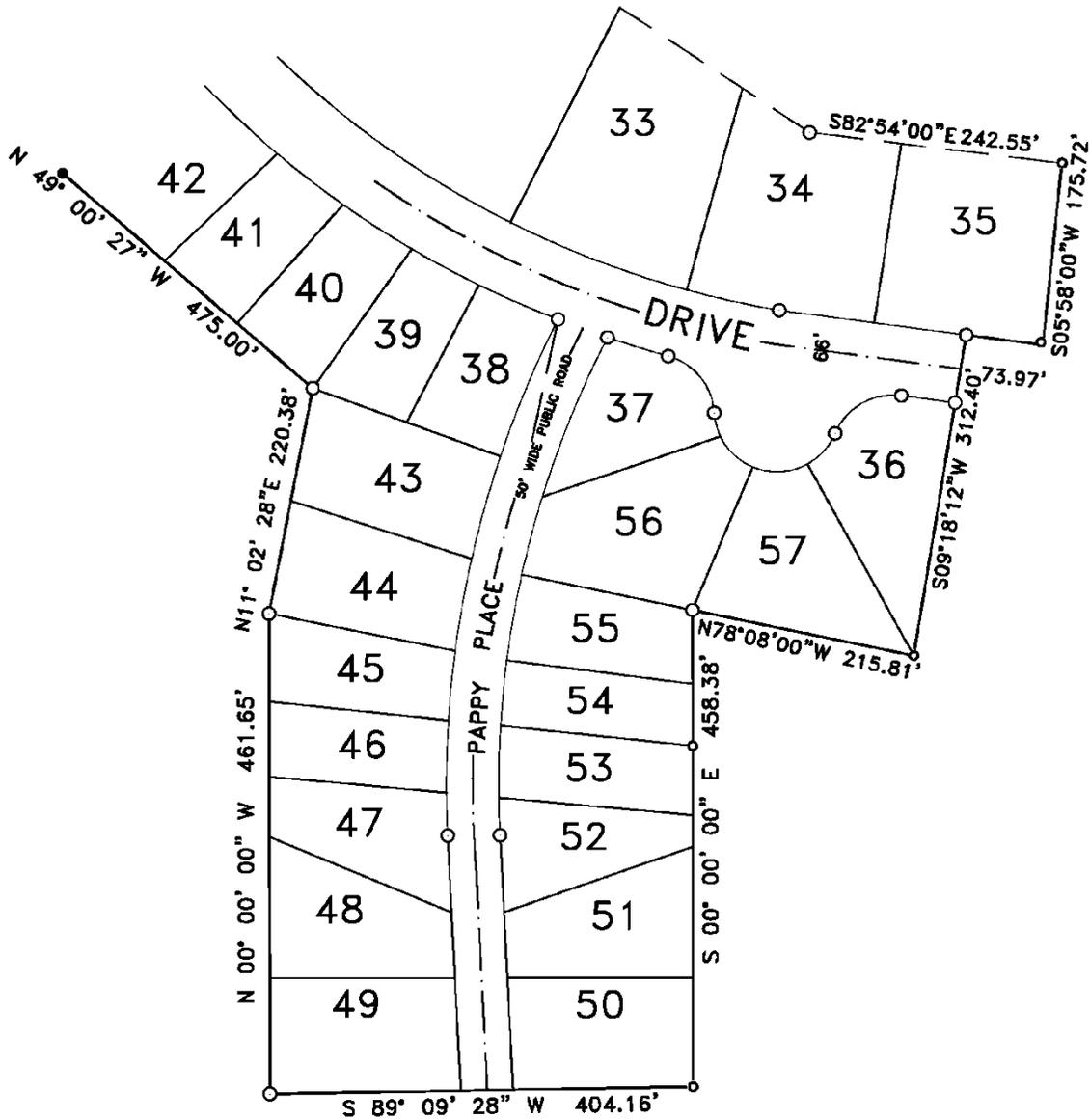
Lots, Outlots, and Blocks

NUMBER LOTS CONSECUTIVE WITHIN THE BLOCKS LIKE THIS...



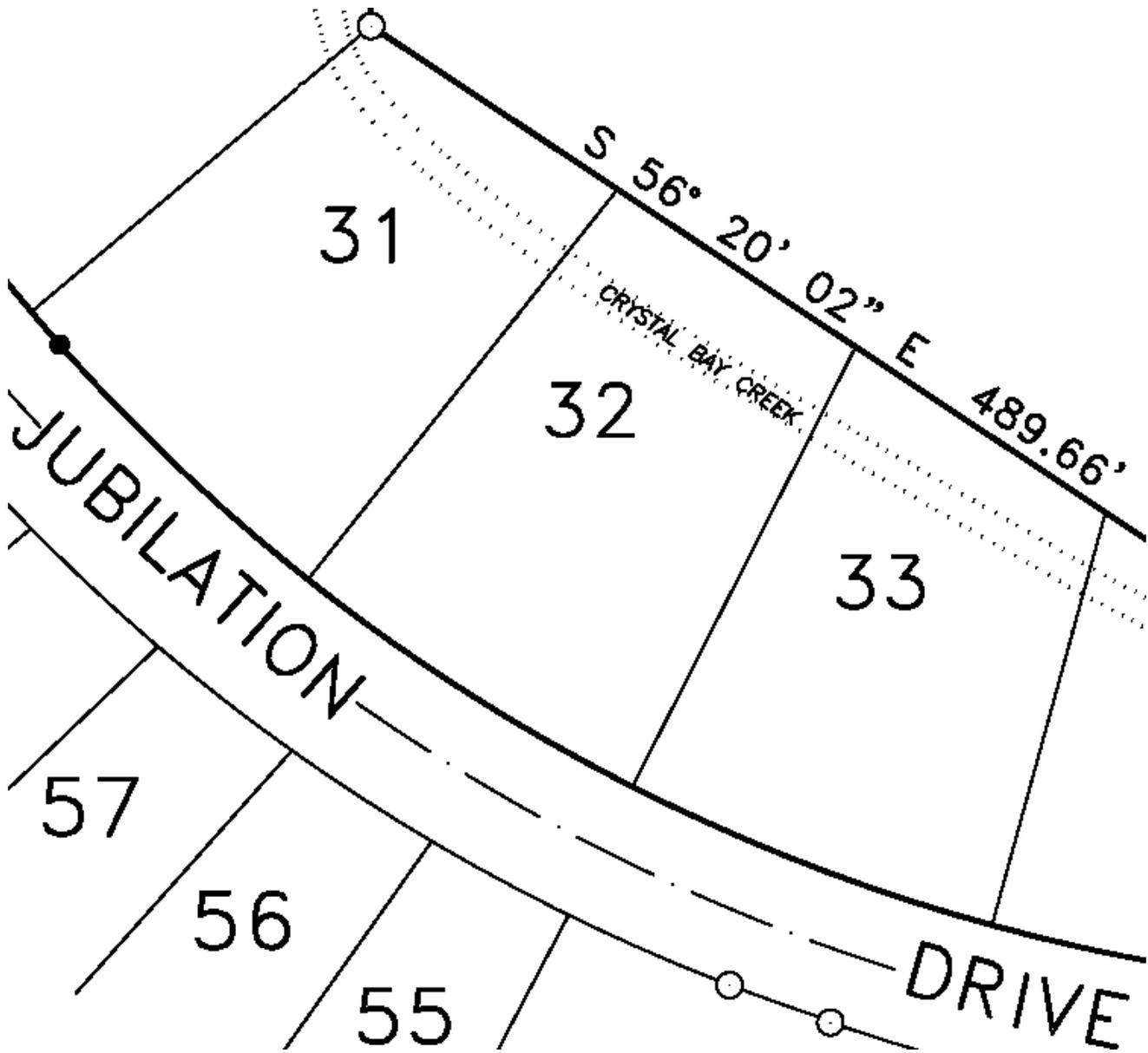
Lots, Outlots, and Blocks

NOT LIKE THIS...



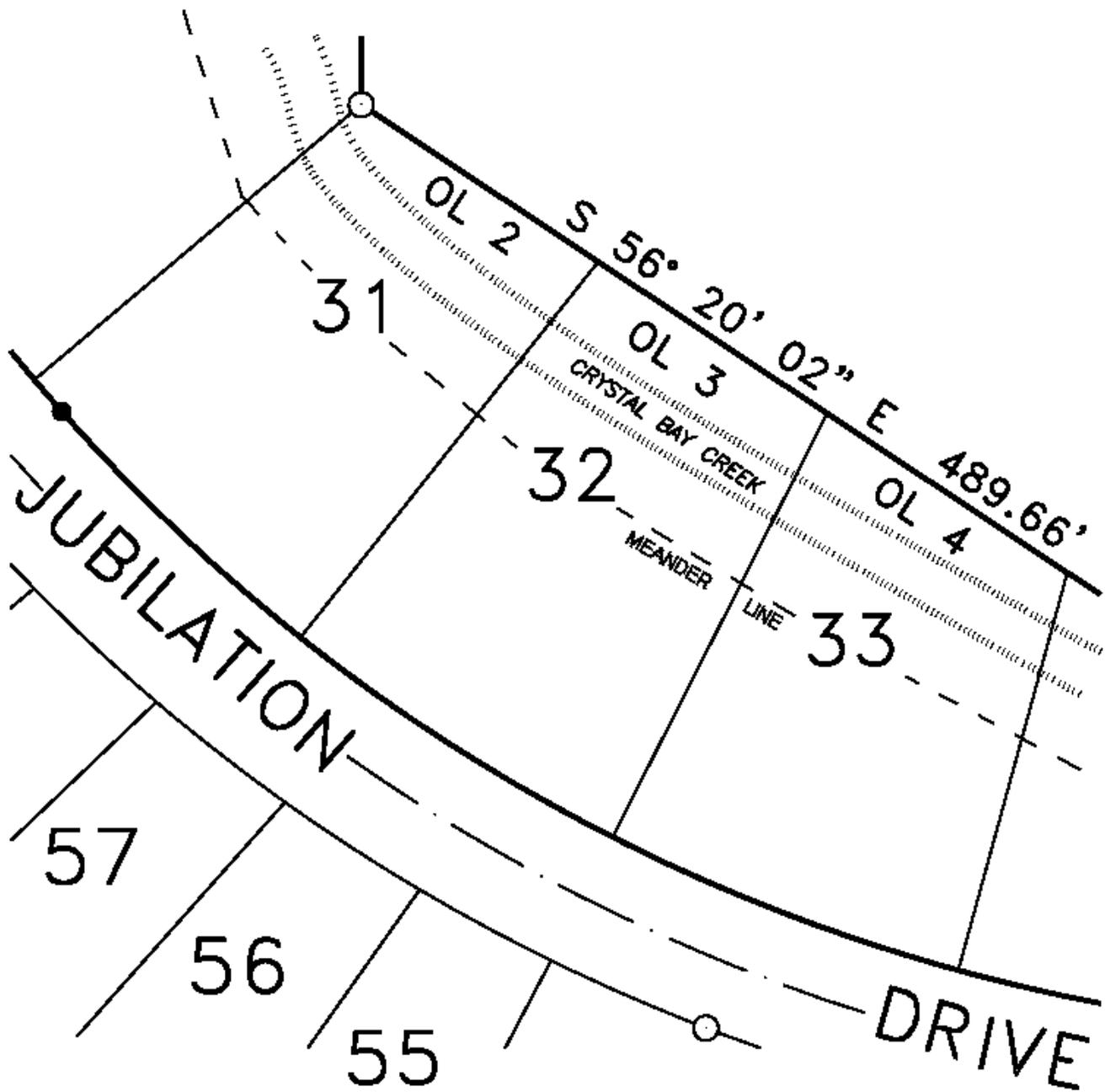
Lots, Outlots, and Blocks

PARCELS MAY EXTEND ACROSS A NAVIGABLE STREAM LIKE THIS:



Lots, Outlots, and Blocks

OR PARCELS MAY BE BOUNDED BY A STREAM LIKE THIS:



Lots, Outlots, and Blocks

SAMPLE VERIFICATION OF REDUCED LOT WIDTH

This letter is provided by the local unit of government to verify that local ordinance allows lot widths less than that required by s. 236.16 (1).



New Richmond

*Take a
closer look . . .*

FACSIMILE TRANSMITTAL SHEET

City of New Richmond
156 East First Street
New Richmond, WI 54017
Phone: (715) 246-4268
Fax: (715) 246-7129

TO: RENEE POWERS, PLAT REVIEW UNIT, DEPT. OF ADMINISTRATION

FAX #: 608-264-6104

FROM: HELEN E. DEMULLING, CLERK-TREAS.

DATE: September 12, 2001

NUMBER OF PAGES INCLUDING COVER SHEET: TWO

MESSAGE: Regarding the final plat of Paperjack Place and the frontage of the lots, I have attached a copy of our Zoning Code Section 13-1-22 (a) Street Frontage. The minimum frontage of all lots shall be a minimum of forty (40) feet. If there is any other information required please let me know. If you need this information by other than a fax, please call me.

You can call me at (715) 246-4268.

Lots, Outlots, and Blocks

SAMPLE VERIFICATION OF REDUCED LOT WIDTH

This letter is provided by the local unit of government to verify that local ordinance allows lot widths less than that required by s. 236.16 (1).

VILLAGE OF HAMMOND

The Heart of St. Croix County

President: *Douglas Draper*
Trustees: *Janis Hinchman*
William Jones
Wallace Graf
Steve Peterson
Doug Doll
Tom Kinney

August 16, 2000

Rence Powers
WIDOA
Plat Review
17 S. Fairchild St., 7th Floor
Madison, WI 53703-3219

RE: The Meadows

Ms. Powers:

This letter is to certify that the Village of Hammond has approved lot widths in the above referenced subdivision. The Village passed an ordinance for Twin Homes, allowing for a minimum lot width of 30 feet. The ordinance was approved on May 8, 2000.

Please call if you have any questions.

Thank you,

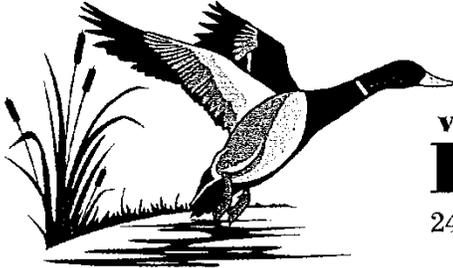


Mary Hemenway
Deputy Clerk

Lots, Outlots, and Blocks

SAMPLE VERIFICATION OF REDUCED LOT SIZE

This letter is provided by the local unit of government to verify that local ordinance allows lot widths and areas less than required by s. 236.16 (1).



VILLAGE OF
HOWARD

2456 Glendale Avenue • P.O. Box 12207 • Green Bay, WI 54307-2207

August 19, 2004

To: Jim Logan
Plat Review
101 E Wilson St, FL 6
Madison, WI 53702-004

Re: White Hawk Landing File No. 24740-0175

Dear Mr. Logan:

White Hawk Landing Plat in the Village of Howard is serviced by public water, storm sewer and sanitary sewers. The Village of Howard subdivision regulations and zoning ordinances allow for lots of less than 50' in width and 6000 square feet in area if they are part of an approved Planned Development District. White Hawk Landing is an approved Planned Development District. If you have any questions concerning this, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh L. Thomas". The signature is stylized and cursive.

Hugh L. Thomas, AICP
Administrator

cc: Steven Bieda, Mau Associates

Lots, Outlots, and Blocks

REQUEST FOR VERIFICATION OF REDUCED LOT WIDTH

Upon request, this letter is provided by plat review to the local unit of government to request verification that local ordinance allows lot widths less than that required by s. 236.16 (1).

Reduced Width Lots Permitted on Plat	Plat Review – DOA
	Mailing Address: PO Box 1645, Madison WI 53701 Shipping Address: 101 E Wilson St FL 9, Madison WI 53703
Plat Review WI Department of Administration	Phone: 608-266-3200 Fax: 608-264-6104 Email: plat.review@wi.gov Web: http://doa.wi.gov/platreview/
Subdivision Name:	
County:	
City/Town/Village: of	
What ordinance number/section allows for lot widths less than that required by s. 236.16 (1) , Wis. Stats., as shown on the plat? If available please provide the Internet URL link to the ordinance:	
<input type="checkbox"/> All lots in the above named plat will be served by the public sewer system, and private onsite wastewater treatment systems are not permitted.	
Prepared By: Name:	
Organization/ Company:	
Phone:	
Email:	
Date:	
O:\Platting Manual\wi_platting_manual_source_documents\Lots and Outlots\WI_Platting_Manual-Lots_and_Outlots.docx	

Lots, Outlots, and Blocks

REQUEST FOR VERIFICATION OF REDUCED LOT AREA

Upon request, this letter is provided by plat review to the local unit of government to request verification that local ordinance allows lot areas less than that required by s. 236.16 (1).

Reduced Area Lots Permitted on Plat	Plat Review – DOA
	Mailing Address: PO Box 1645, Madison WI 53701
Plat Review WI Department of Administration	Shipping Address: 101 E Wilson St FL 9, Madison WI 53703
	Phone: 608-266-3200 Fax: 608-264-6104
	Email: plat.review@wi.gov
	Web: http://doa.wi.gov/platreview/
Subdivision Name:	
County:	
City/Town/Village: of	
What ordinance number/section allows for lot areas less than that required by s. 236.16 (1) , Wis. Stats., as shown on the plat?	
If available please provide the Internet URL link to the ordinance:	
<input type="checkbox"/> All lots in the above named plat will be served by the public sewer system, and private onsite wastewater treatment systems are not permitted.	
Prepared By: Name:	
Organization/ Company:	
Phone:	
Email:	
Date:	
o:\plattin manual\wi_platting_manual_source_documents\lots and outlots\wi_platting_manual-lots_and_outlots.docx	

Lots, Outlots, and Blocks

Request For Verification Of Lot Access Via Easement Or Private Road

Upon request, this form is provided by plat review to the local unit of government to request verification that local ordinance allows lot access via to a public road via (easement / private road / private alley) as provided for by [s. 236.20 \(4\) \(d\)](#), Wis. Stats., as shown on the plat.

Plat Review – DOA

Mailing Address: PO Box 1645, Madison WI 53701
Shipping Address: 101 E Wilson St FL 9, Madison WI 53703

Phone: 608-266-3200 **Fax:** 608-264-6104

Email: plat.review@wi.gov

Web: <http://doa.wi.gov/platreview/>

Lot Access via Easement Or Private Road Permitted on Plat

**Plat Review
WI Department of Administration**

Subdivision Name:

County:

City/Town/Village: of

What ordinance number/section allows for lot access to a public road via (easement / private road / private alley) as provided for by [s. 236.20 \(4\) \(d\)](#), Wis. Stats., as shown on the plat?

If available please provide the Internet URL link to the ordinance:

Prepared By:

Name:

Organization/
Company:

Phone:

Email:

Date:

o:\plattng manual\wi_plattng_manual_source_documents\lots and
outlots\wi_plattng_manual-lots_and_outlots.docx

Lots, Outlots, and Blocks

SAMPLE VERIFICATION OF ACCESS BY PRIVATE DRIVE

This letter is provided by the local unit of government to verify that local ordinance allows access to lots via private drive.

TOWN OF BAILEYS HARBOR

2392 CTH F
Baileys Harbor, WI 54202

Subdivision Access by Private Drives

I, Jane Pluff, Clerk of the Town of Baileys Harbor, Door County, hereby certify that the Town Board has resolved by ordinance that access to subdivisions be allowed by private drives, provided that said private drives meet Town standards.



Town Clerk

Dated the 13 day of January, 2003

Lots, Outlots, and Blocks

SAMPLE ACCESS BY EASEMENT ORDINANCE

Copy of local ordinance provides verification that access to lots via easement is permitted.

ORDINANCE NO. 2004-001

AN ORDINANCE RELATING TO RESIDENTIAL ZONING STREET ACCESS

The Village Board of the Village of Cameron does ordain as follows:

SECTION I: Section 17.07(4) (h) of the municipal code is created as follows:

- i. Every lot shall front on a public street, from which street access to the lot must be available, except:
 - a. A lot may front on a parcel of land over which a permanent easement has been granted, provided the permanent easement meets the following requirements:
 - i. The easement is permanently granted in a document that has been properly recorded in the Barron County Register of Deeds Office;
 - ii. The recorded easement acknowledges and accepts the owner's duty to maintain the easements' improvements including, but not limited to, signage, winter maintenance, and surface repair.
 - iii. The easement is at least 25 feet in width.

SECTION IV: This ordinance shall become effective upon passage and publication as provided by law.

Adopted this 9th day of February, 2004.

Approved.


Village President

Attest:


Village Clerk-Treasurer

Lots, Outlots, and Blocks

SAMPLE VERIFICATION OF ACCESS BY EASEMENT

This letter is provided by the local unit of government to verify that local ordinance allows access to lots via easement.



TOWN of TROY

654 Glover Road, Hudson, WI 54016
Phone: (715)425-2665 Fax: (715)425-2551

November 21, 2005

Ms. Rene Powers
Plat Review
Department of Administration
101 E. Wilson St. FL 6
Madison, Wisconsin 53702-0-0004

Re: Hills of Troy Final Plat (Plat Review File #25784-0534)
Town of Troy
St. Croix County, Wisconsin

Dear Rene;

We understand that Plat Review is requesting verification that the Town of Troy Subdivision Ordinance allows lots to be accessed via easement. Section 6.C. requires that each lot "...shall have usable access".... The shared driveway easement crossing Lot 55 to provide access to Lot 59 on the above-referenced plat meets the requirement of this section.

Please contact us if you have any additional questions or concerns.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ray R. Knapp", is written over a faint, larger version of the signature.

Ray R. Knapp, Chairman
Town of Troy

cc: Craig Lilja

Lots, Outlots, and Blocks

Blank Page

Streets

PUBLIC STREETS

City or Village Streets

s. 236.16 (2),
Wis. Stats.

Streets within the subdivision must be at least 60 feet wide unless otherwise provided for by local ordinance.

If the subdivision contains streets less than 60' wide, you must include or make reference to the ordinance with the plat submittal, or provide certification from the approving authority that the street widths comply with local ordinance.

If the city or village has a local subdivision control ordinance or "Official Map", street widths must comply with the ordinance or map.

If there is no subdivision control ordinance or "Official Map", streets must be at least as wide as existing streets, but no less than 60 feet in width.

Partial street dedications along the exterior of the subdivision are acceptable. On the plat drawing, the portion of the street included within the subdivision must be designated as ***"Future (street width) Public Street."***

Town Roads

s. 82.50 (1),
Wis. Stats.

Right-of-way widths of town roads must comply with the Minimum Design Standards prescribed in Ch. 82, Wis. Stats.

In general, based upon Average Daily Traffic (ADT) projections, the minimum width requirement is:

- 66 feet with 100 to 250 ADT
- 49.5 feet when under 100 ADT

Streets

PUBLIC STREETS

Town Roads

The Department of Transportation may grant a deviation from minimum town road standards when it is not contrary to the public interest and safety.

To obtain a deviation from town road standards:

- The Town Board passes a resolution authorizing the town to request that DOT grant the deviation.
- The Town Clerk submits the written request to the appropriate DOT regional office.
- DOT provides a written approval or denial of the deviation to the Town Board.
- Plat Review must receive a copy of the DOT grant of deviation prior to certification of the plat.

Frontage Roads

Streets or frontage roads auxiliary to and located along side a full street, that provides service to the abutting property, must be at least 49.5' wide.

Street Labeling

The name of all full or partial streets must be shown within the streets on the drawing. If street names are not available, the notation "Public Street" may be used instead. Streets being dedicated to the public must be marked "dedicated to the public" on the plat.

The overall right-of-way width must be shown for all streets within the subdivision. It is acceptable to show the widths on either side of the street centerline, or the notation "width varies" if appropriate.

Vacated or Discontinued Public Streets

Public streets may be vacated or discontinued by following the procedures outlined in s. 236.43, or s. 66.1003 (see Vacations & Discontinuances section in this manual). Platting over an existing public street is not sufficient to vacate the street.

When vacated/discontinued streets are included in the subdivision, reference to the street and method (resolution, court action, etc.) of vacation, as well as any related document recording data, must be included in the Surveyor's Certificate.

s. 82.50 (2),
Wis. Stats.

s. 236.16 (2),
Wis. Stats.

s. 236.20 (4)(a),
Wis. Stats.

s. 236.20 (4)(b),
Wis. Stats.

s. 236.20 (2)(f),
Wis. Stats.

s. 236.43,
Wis. Stats.

s. 66.1003,
Wis. Stats.

Streets

PUBLIC STREETS

Special Notice for County Trunk Highways

Counties do not have plat approval authorities within Cities and Villages; Ch. 236 does not provide a means for acceptance of dedicated county highways within a City or Village by the County.

When County Trunk Highways located within a Village or City are dedicated to the public;

AND

The County is not a review authority for the subdivision plat;

AND

The County is to maintain control of the highway, then the following (or similar) certificate of acceptance should be placed on the plat and executed by the County Board or authorized representative. We suggest that you contact the County to verify that this language is acceptable.

(County name) County Highway Acceptance Certificate:

Resolved, that the (County Highway Letter) being dedicated to the public as shown on this plat of _____ in the (Village/City) of _____, (owner's name), is hereby approved and accepted by action of the (County name) County board.

Date _____ Approved _____

Date _____ Signed _____

Streets

PRIVATE STREETS

s. 236.20 (4) (d), Wis. Stats.

Private streets, roads, and drives are permitted within a subdivision only if allowed by local ordinance.

If the subdivision contains private streets, you must provide verification from the approving authority that the private streets comply with local ordinance, or include or make reference to the ordinance with the plat submittal.

If the private streets within the subdivision provide the sole means of access to any lots, you must provide verification from the approving authority that such access complies with local ordinance, or include or make reference to the ordinance with the plat submittal

Private Street Labeling

s. 236.20 (4) (c), Wis. Stats.

Private streets within the subdivision must be designated as a consecutively numbered outlot(s); the streets must be clearly labeled "Private". It is permissible to show the street name.

The overall right-of-way width must be shown for all private streets within the subdivision. It is acceptable to show the widths on either side of the street centerline.

Special notice for private streets

s. 236.35, Wis. Stats.

If a lot of one acre or less exists outside of the boundary of a Village or City and abuts a road that has not been accepted as a public road, the seller of said lot must inform the purchaser in writing that the road is not required to be maintained by the Town or County.

Streets

EXAMPLES RELATED TO THIS SECTION

Town Road width waiver request letter

Town Road width waiver request resolution

Town Road width grant of waiver

Local verification of reduced street width (2)

Local verification of private road easement

Request for verification of reduced street width

Streets

SAMPLE TOWN ROAD WIDTH WAIVER REQUEST

Letter from Town Board to Department of Transportation to request waiver the requirements of s. 82.50 related to town road widths.



CALEDONIA

TOWN OF CALEDONIA
6922 Nicholson Road
Caledonia, Wisconsin 53108
414-835-4451

November 17, 1995

Mr. Robert Packee
District Director
Transportation Dept. #2
P.O. Box 649
Waukesha, WI. 53187-5902

Re: St. Andrews Meadows Road Rights of Way

Dear Mr. Packee:

Enclosed is a copy of a resolution which was adopted by the Caledonia Town Board on November 6, 1995. The resolution requests a wavier on the proposed Town road 66 foot right of way requirement for the roads within the St. Andrews Meadows Subdivision. Please let me know if any other information is required.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alois L. Jeske Jr.".

Alois L. Jeske Jr.
Civil Technician

cc: Town Board
Town Engineer
Columbia Land Development, L.L.C.
Nielsen, Madsen & Barber

Streets

SAMPLE TOWN ROAD WIDTH WAIVER REQUEST

Resolution by Town Board to request that Department of Transportation waive the requirements of s. 82.50 related to town road widths.

RESOLUTION - 95- 38

**TO REQUEST A WAIVER
OF 66 FOOT RIGHT-OF-WAY
REQUIREMENT IN ST. ANDREW MEADOWS**

The Town Board of the Town of Caledonia, Racine County, Wisconsin, do resolve as follows:

WHEREAS, Section 86.26(1) of the Wisconsin Statutes requires that town roads carrying an expected average daily traffic (ADT) of between 100 and 250 have a minimum right-of-way of 66 feet; and

WHEREAS, the developer of a proposed subdivision to be known as St. Andrew Meadows, to be located in the NW 1/4 of Section 28, T4N, R23E, has proposed that the roads (streets) therein be 60 feet in width with the urban road construction, including curb and gutter, as prescribed by the Town of Caledonia; and

WHEREAS, the proposed 60 foot width is amply adequate to accommodate the urban cross section prescribed by the Town of Caledonia, which has a minimum width from curb to curb of 32 feet and utilizes storm sewers rather than open ditches; and

WHEREAS, the Town of Caledonia urban road standards obviate the need for roadside drainage ditches which necessitate the wider road width prescribed by Section 86.26(1); and

WHEREAS, Section 86.26(2) of the Wisconsin Statutes permits the Department of Transportation to approve of deviations from the standards prescribed by such statute where strict application of the standards is impractical and where such deviation is not contrary to the public interest and safety and the intention of the section.

BE IT RESOLVED, That the Town Board of the Town of Caledonia requests that the District Director of the Waukesha office of the Wisconsin Department of Transportation waive the 66 foot right-of-way requirement for the proposed subdivision, St. Andrew Meadows, as provided in Section 86.26(2) of the Wisconsin Statutes.

SEVERABILITY, The several sections of this Resolution shall be declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the other provisions of the Resolution.

Adopted by the Town Board of the Town of Caledonia, Racine County, Wisconsin, this 6th day of November, 1995.

TOWN OF CALEDONIA

BY: Michael P. Kroes
Michael P. Kroes, Chairman

Attest: Wendy M. Christensen
Wendy M. Christensen, Clerk

Streets

SAMPLE GRANT OF TOWN ROAD WIDTH WAIVER

Letter from Department of Transportation to Town Board granting waiver of the requirements of s. 82.50 (previously s. 86.26) related to town road widths.



Wisconsin Department of Transportation

Robert R. Packee, District Director
TRANSPORTATION DISTRICT 2
2000 Pawaukee Road
P O Box 798
Waukesha, WI 53187-0798
Telephone: (414) 548-5902
FAX: (414) 548-8655

December 5, 1995

Alois L. Jeske Jr.
Civil Technician
Town of Caledonia
6922 Nicholson Road
Caledonia, WI 53108

Dear Mr. Jeske;

SUBJECT: Local Road Right-of-Way Variance
St Andrews Meadows Subdivision
Town of Caledonia
Racine County

We have reviewed your request for a waiver of the 66 foot Town Road requirement of Wisconsin State Statute 86.26. Based upon the data included in Town Board Resolution No. 95-38, and the authority granted by the provisions of Wisconsin State Statute 86.26(2), I hereby approve the 60 foot right-of-way for the public streets within St Andrews Meadows. Thank you for cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Packee".

Robert R. Packee, PE
District Director

CC: DATCP
CO Design - L S Kenyon
Information Services - Wienser/Rocki

Streets

SAMPLE VERIFICATION OF REDUCED STREET WIDTH

This letter is provided by the local unit of government to verify that local ordinance allows street widths less than that required by s. 236.16 (2).



City of River Falls

City of River Falls
River Falls, Wisconsin 54022 • (715) 425-0900 • Fax (715) 425-0915

November 11, 1996

**Ms. Renee Powers
State of Wisconsin - Department of Commerce
Plat Review
2811 Agriculture Drive
Madison, WI 53704-6777**

**Re: Rocky Branch Second Addition
River Falls, Wisconsin**

Dear Ms. Powers:

As requested by Donald M. Clark of Cedar Corporation, I am writing in regard to the allowance of a fifty foot (50') wide right-of-way per the Municipal Code of the City of River Falls. Per Subdivision Ordinance 18.06(1)(c), on cul-de-sacs with restricted parking, the right-of-way minimum width is fifty feet (50'). This would apply to Hamilton Court located in the proposed Rocky Branch Second Addition.

If you have any questions, please feel free to contact me at 715/425-0900.

Sincerely,


**Larry J. Thompson
City Administrator**

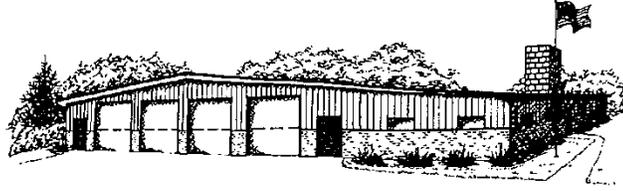
LJT:sdw

cc: Donald Clark, Cedar Corporation

Streets

SAMPLE VERIFICATION OF REDUCED STREET WIDTH

This letter is provided by the local unit of government to verify that local ordinance allows street widths less than that required by s. 236.16 (2).



Village of Merton • 28343 Sussex Road • Merton, Wisconsin 53056

September 5, 2001

Peter Schlicher, Owner-Developer
Woods Edge Estates Add 3
W275 N7409 Lake Five Rd.
Hartland, WI. 53029

VILLAGE AUTHORIZATION TO REDUCE THE STREET WIDTH IN NEW SUBDIVISIONS

Pete, The village can reduce the street width from 60 feet to 45 feet. This is allowed in Village of Merton Ordinance No 48 Subdivision Control Ordinance. It is Section IX of the Subdivision control Ordinance Modifications and Exemptions.

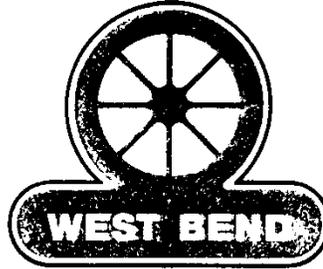
I have enclosed a copy of that section,


Tom Nelson, Clerk-Treasurer.

Streets

SAMPLE VERIFICATION OF ACCESS BY PRIVATE DRIVE

This letter is provided by the local unit of government to verify that local ordinance allows access to lots via private road easement.



April 22, 1994

Department of

P. O. Box
Madison, WI

Re: Paradise Parkway Subdivision -
Final Plat

Dear Ms. :

Pursuant to a request by Mr. Ron Weis, please be advised that Lots 1 and 2 of the above plat are intended to be served by a private road easement encompassing Outlot 4. The West Bend City Planning Commission at its April 6, 1994 meeting recommended to the West Bend City Council that development of Lot 1 occur after the owner has petitioned and obtained approval of a Planned Unit Development Overlay zoning encompassing Lots 1 and 2 and Outlots 3 and 4. This overlay zoning, which is not as yet in place will provide the legal basis for access to Lot 1 because it does not have public street frontage.

Should you have any questions, please contact John Capelle, Director, Department of Community Development at (414) 335-5122.

Sincerely yours,

A handwritten signature in cursive script that reads "Barbara A. Barringer".

Barbara A. Barringer
City Clerk

Streets

REQUEST FOR VERIFICATION OF REDUCED STREET WIDTH

Upon request, this form is provided by plat review to the local unit of government to request verification that local ordinance allows street widths less than that required by s. 236.16 (2).

Reduced Street Widths Permitted on Plat	Plat Review – DOA
	Mailing Address: PO Box 1645, Madison WI 53701 Shipping Address: 101 E Wilson St FL 9, Madison WI 53703
Plat Review WI Department of Administration	Phone: 608-266-3200 Fax: 608-264-6104 Email: plat.review@wi.gov Web: http://doa.wi.gov/platreview/
Subdivision Name:	
County:	
City/Town/Village: of	
What ordinance number/section allows for street widths less than that required by s. 236.16 (1) , Wis. Stats., as shown on the plat?	
If available please provide the Internet URL link to the ordinance:	
Prepared By:	
Name:	
Organization/ Company:	
Phone:	
Email:	
Date:	
O:\Platting Manual\wi_platting_manual_source_documents\Streets_WI_Platting_Manual- Streets.docx	

Easements & Restrictions

s. 236.29,
Wis. Stats

EASEMENTS & RESTRICTIONS CREATED BY PLAT

Any restriction or grant of easement shown on the plat becomes valid upon recording of the plat.

EXISTING EASEMENTS, RESTRICTIONS, OTHER ENCUMBRANCES

s. 236.20 (2)(c),
Wis. Stats

All easements affecting the lands within the subdivision, whether created by the plat, existing by other instrument, or apparent, must be shown. The Surveyor must exercise due diligence when performing title research and in the field to account for all encumbrances on the subdivided land.

Types of Easements & Restrictions

There is no limitation on the types or purposes of easements/restrictions that may be placed on the plat. Some examples:

- Public/private utilities
- Storm Drainage
- Vision corners
- Well setbacks
- Highway setbacks
- Water and wetlands setbacks and restrictions
- Floodplain limits
- Avigation easements
- Ingress/egress easements
- Building envelopes
- Environmental corridors and restrictions
- Signage easements
- Access restrictions

Depiction of Easements

Easement boundaries must be drawn with a dashed, dotted, or otherwise broken linetype. The use or purpose and grantee should be indicated. Easement boundaries must be retraceable in the field with the data provided by the plat:

s. 236.20 (2)(c),(f),
Wis. Stats

- **Easements that parallel lot boundaries:** It is sufficient to only show the width of the easement. If the easement does not run the full length of the lot line, the length of the easement must be shown.

Easements & Restrictions

Depiction of Easements (continued)

s. 236.20 (2)(c),
Wis. Stats

- **Easements that do not parallel lot boundaries:** The bearing and length of the easement boundaries, tied to an adjacent lot corner must be shown. If the easement is uniform in width, it is sufficient to show the centerline bearing and length, tied to an adjacent lot corner.
- **Existing easements:** Easements not created by the plat must be shown as above; however, it is acceptable to show only the recording data for an existing easement that does not have defined boundary bearings and distances.
- **Apparent Easements:** If there is physical evidence of an easement with no record, such as an underground gas line, overhead utility, access tracks, etc., then the location of the evidence must be shown on the plat.

Easements that are uniform throughout the subdivision may be shown in the LEGEND or in a separate “typical” drawing. Be sure to indicate which lots are affected, the size of the easement, the use or purpose, and designate a grantee.

Depiction of Restrictions

Restriction boundaries must be drawn with a dashed, dotted, or otherwise broken linetype.

- **Fixed and permanent restrictions**, such as pre-planned septic areas, vision corners, areas of restricted access to a street, fixed driveway locations, etc. should be delineated and locatable the same as an easement.
- **Restricted areas that are approximate or non-fixed**, and are not delineated by bearing and distance such as wetlands, wetland setbacks, environmental preservation areas, floodplains, etc. should be labeled as “approximate”. The source of the depicted area (i.e. “field located by _____” or “scaled from aerial photo”, etc.) should be noted.
- **Building setbacks** and envelopes shown on the plat must be retraceable. Building setbacks often change; the plat should note that the setbacks shown are those in effect at the time of recording.

Easements & Restrictions

GRANT OF EASEMENT

Language that defines the grantor/grantee, conditions, uses, maintenance, etc. of the easement may be included on the plat, or may be filed or recorded as a separate document. If recorded separately, reference to the document should be noted on the plat.

RELEASE OF EASEMENTS AND RESTRICTIONS

Easements/restrictions for public benefit

Restrictions or grants of easement required by a public body for plat approval, or which names a public body or public utility as grantee, gives said public body or utility the right of enforcement of such restrictions or grants of easement. Such restrictions or grants of easement may be released in writing only by the public body or utility having the right of enforcement. The release should be incorporated into a correction affidavit filed and referenced to the plat.

Some examples of easements/restrictions that may only be released or modified by public bodies are:

- Setbacks from roads, highways, public waters.
- Access restrictions to a public street or highway.
- Utility and stormwater drainage easements.
- Private on site wastewater treatment restrictions
- Building setbacks and envelopes.
- Restrictions related to environmentally sensitive areas.

Easements/restrictions for private use

Unless grant language on the plat states otherwise, easements or restrictions granted with the plat for private use, such as ingress/egress, signage, bridle trails, etc. may only be released by a separate instrument executed by the grantee. The release should be incorporated into a correction affidavit filed and referenced to the plat.

s. 236.293,
Wis. Stats

EXAMPLES RELATED TO THIS SECTION

Depiction of vision corner easement

Grant of easement language

Release of utility easement by public utility

Release of utility easement by municipality

SAMPLE GRANT OF EASEMENT

Language such as this should be placed on the plat to define the rights, limitations, and other conditions of any easements created with the plat.

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by

[COUNTRY CLUB ESTATES DEVELOPMENT, LLC.], Grantor, to

WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin Corporation doing business as WE Energies
Grantee

WISCONSIN BELL, INC., d/b/a AT&T WISCONSIN, a Wisconsin Corporation, Grantee

and **TIME WARNER ENTERTAINMENT COMPANY, L.P.**, Grantee,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonable required incident to the rights herein given, and the right to enter upon the subdivided property of all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

SAMPLE RELEASE OF EASEMENT

Document recorded by utility to release rights to easement created by plat. Reference to this document should be incorporated into a correction instrument per s. 236.295, Wis. Stats., to ensure that the release is duly approved when required, and noted on the recorded plat.

Document Number | PARTIAL QUIT CLAIM OF
EASEMENT RIGHTS

Document #: 379110



Register of Deeds
Calumet County, WI

Received for Record
Date: 6/17/04 14:26
Ellen Propson

WHEREAS

TIME WARNER

CABLE, hereinafter referred to as "grantee", its successors and assigns, certain easement rights, which easement rights are set forth in that certain document recorded in the Office of the Register of Deeds in Calumet County Wisconsin.

WHEREAS, grantee has been requested and is willing to release the following rights from the force and effect of the aforesaid easement, to-wit:

The area to be released is as follows

A release of a 6ft. utility easement located along the interior boundary lines of Outlot 4 of State Park Estates and a 6ft utility easement located along the north Line of Lot 94 of State Park Estates III located in the SW1/4 of Section 19, Town 20 North Range 19 East Village of Sherwood, Calumet County, Wisc. All other existing easements recorded as for State Park Estates shall remain In effect and standing.

Return to: & Prepared BY:
Time Warner Cable *EPN*
1001 Kennedy Avenue
Kimberly, WI

(Parcel Identification Number)

NOW, THEREFORE, for and in consideration of the sum of \$1.00 to it paid, the receipt whereof is hereby acknowledged, **TIME WARNER CABLE** does hereby release, discharge and abandon only those specific easement rights heretofore mentioned in the immediately preceding paragraph. It is expressly understood and agreed that all other easement rights as set forth in the aforesaid document recorded in the Office of the Register of Deeds in and of Brown County, Wisconsin, as Document No. 428386 shall remain in full force and effect.

IN WITNESS WHEREOF, said **TIME WARNER CABLE** has caused these presents to be executed on its behalf by its duty authorized Manager of Property Management this 17 day of June, 2004



TIME WARNER CABLE
Bruce Catter
Bruce Catter, Vice President of Engineering
Time Warner Cable

STATE OF WISCONSIN)
:SS
OUTAGAMIE COUNTY)

Personally came before me this 17 day of June 2004 Bruce Catter, Vice President of Engineering, of the above named corporation, **TIME WARNER CABLE**, known to me to be the person who executed the foregoing instrument and to me known to be such Vice President of Engineering of Time Warner Cable of said corporation, and acknowledged that he executed the foregoing instrument as such Vice President of Engineering of Time Warner Cable, as the deed of said corporation, by its authority.

Notary Public State of Wisconsin

SAMPLE RELEASE OF EASEMENT Document recorded by utility to release rights to easement created by plat. Reference to this document should be incorporated into a correction instrument per s. 236.295, Wis. Stats., to ensure that the release is duly approved when required, and noted on the recorded plat.

Document No.

RELEASE OF UTILITY EASEMENTS

1. The undersigned, Charter Communications hereby releases all right, title and interest which it may have a certain public utility easements and/ or a storm and utility easement, being described as part of Lots 254, 255, 257, 258, 260, and 261 of Third Addition to Swan Creek of Nine Springs, Recorded in Volume 58-054B, Pages 292-293, as Document Number 3955987, located in the NW 1/4 and in the NE 1/4 of the NW 1/4 of Section 11, Township 6 North; Range 9 East, Dane County, Wisconsin, more particularly described as follows:

That portion that lies 5 feet west of the easterly line of and running the entire length of Lot 254 and 5 feet east of the westerly line of and running the entire length of Lot 255 and 5 feet west of the easterly line of and running the entire length of Lot 257 and 5 feet east of the westerly line of and running the entire length of Lot 258 and 10 feet west of the easterly line of and running the entire length of Lot 260 and 10 feet east of the westerly line of and running the entire length of Lot 261.

2. Attached hereto as Exhibit A is a map showing the portion of the public utility easements to which the undersigned is relinquishing its rights.

Dated this 27th day of August, 2007.

By: [Signature]

Name: Matt Brown

Title: Project Supervisor

STATE OF WISCONSIN)
)
COUNTY OF Dane) ss.

Personally came before me this 27th day of August, 2007, the above-named Matt Brown to me known to be the Project Supervisor of Charter Communications agent who executed the foregoing instrument and acknowledge the same on behalf of said Charter Communications

Name: [Signature]
Notary Public, State of Wisconsin
My Commission 2-15-09
Sean Beeler

This document was drafted by:
Mayo Corporation
600 Grand Canyon Drive
Madison, WI 53719

M:\FL1304\SURVEASE-RELEASE 08-20-07.DOC



* 4 3 6 4 3 1 4 2 *
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
4364314

10/09/2007 10:32AM

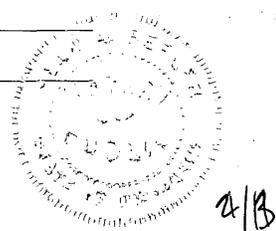
Exempt #:

Rec. Fee: 13.00
Pages: 2

Return to:

Mayo Coporation
600 Grand Canyon Drive
Madison, WI 53719

- Parcel Number 0609-112-1234-2 (Lot 254)
- Parcel Number 0609-112-1245-2 (Lot 255)
- Parcel Number 0609-112-1267-2 (Lot 257)
- Parcel Number 0609-112-1278-2 (Lot 258)
- Parcel Number 0609-112-1300-2 (Lot 260)
- Parcel Number 0609-112-1311-2 (Lot 261)



2/B

SAMPLE RELEASE OF EASEMENT

Resolution by municipality to release rights to easement created by plat, to be recorded and incorporated into a correction instrument per s. 236.295, Wis. Stats.

Release of Utility Easement

RE: Lots 83, 84, 85, 86 and 87 9th Addition to Park Towne, City of Madison, Dane County Wisconsin. Tax Parcels: Lot 83-0708-252-0702-4; Lot 84-0703-2; Lot 85-0704-0; Lot 86-0705-8; Lot 87-0706-

6

Pursuant to Wis. Stat. 236.293, the undersigned, City of Madison, hereby releases all right, title and interest which it may have in two twelve (12) foot utility easements, platted as part of the Ninth Addition to Park Towne, more particularly described as follows:

Two 12 foot wide utility easements located in the Plat of the Ninth Addition to Park Towne located in the NW 1/4 of Section 25, T7N, R8E, City of Madison Dane County, Wisconsin. Recorded in Volume 50 of Plats on Pages 24 and 25 Dane County Registry.

Easement "A" - A 12 foot wide utility easement, the centerline of which is described as follows: Commencing at the most Easterly corner of Lot 85 of the said Ninth Addition to Park Towne; thence N47° - 39'-54" W, along the lot line between Lots 85 and 83, 6.00 feet to the point of beginning; thence continuing N 47°-39'-54" W, 204.00 feet; thence S 89°-00'-06" W, 100.63 feet to the point of termination of this easement which is also the Northwest corner of said Lot 85.

Easement "B" - A 12 foot wide utility easement described as follows: Beginning at the Northwest corner of Lot 87; thence N 00°-59'-54" W, 6.00 feet; thence N 89°-00'-06" E, 205.83 feet; thence S 01°-57'-46" E, 12.00 feet; thence S 89°-00'-06" W, 206.03 feet; thence N 00°-59'-54" W, 6.00 feet to the point of beginning.

Authorized by Resolution Number 37,580, file 5114-81 adopted by the City of Madison Common Council on December 8, 1981.

City of Madison

Handwritten signatures of Joel Skornicka, Mayor and Eldon L. Hoel, City Clerk.

State of Wisconsin)
County of Dane } ss.

Personally came before me this 15 day of December, 1981 the above named Joel Skornicka, Mayor and Eldon L. Hoel, City Clerk to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin IRENE
My Commission: 12-4-1981 M.



EXAMPLE EASEMENT RELEASE

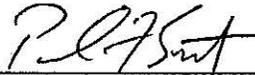
AFFIDAVIT OF EASEMENT VACATION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Paul F. Evert, Attorney for the City of Sun Prairie, being first duly sworn, deposes and states that this Affidavit is made to vacate those areas shown on Exhibit A as Existing 5' Fire Protection Access Easement, being part of the Golden Meadows Plat, as recorded in Volume 59-010A of Plats on pages 58 - 62, as Document Number 4208862, Dane County Registry.

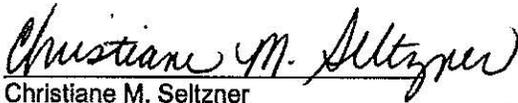
A resolution to vacate the fire protection access easements was approved by the Common Council on October 5, 2010. The resolution number is 10/124.

Dated this 15 day of October, 2010.



Paul F. Evert

Subscribed and sworn to before me
this 15 day of October, 2010.



Christiane M. Seltzner
Notary Public, State of Wisconsin
My Commission expires 5/15/11.

THIS INSTRUMENT DRAFTED BY
AND SHOULD BE RETURNED TO:
Attorney Paul F. Evert
City of Sun Prairie
300 East Main Street
Sun Prairie, WI 53590



NOTE: A RELEASE SUCH AS THIS MUST BE INCORPORATED INTO AN AFFIDAVIT OF CORRECTION FILED BY A REGISTERED LAND SURVEYOR AND INDEXED TO THE PLAT. PER S. 236.293 AND S. 236.295, WIS. STATS.

Return to:

Attorney Paul F. Evert
City of Sun Prairie Attorney
300 East Main Street
Sun Prairie, WI 53590

Parcel Identification No.

None

EXHIBIT A

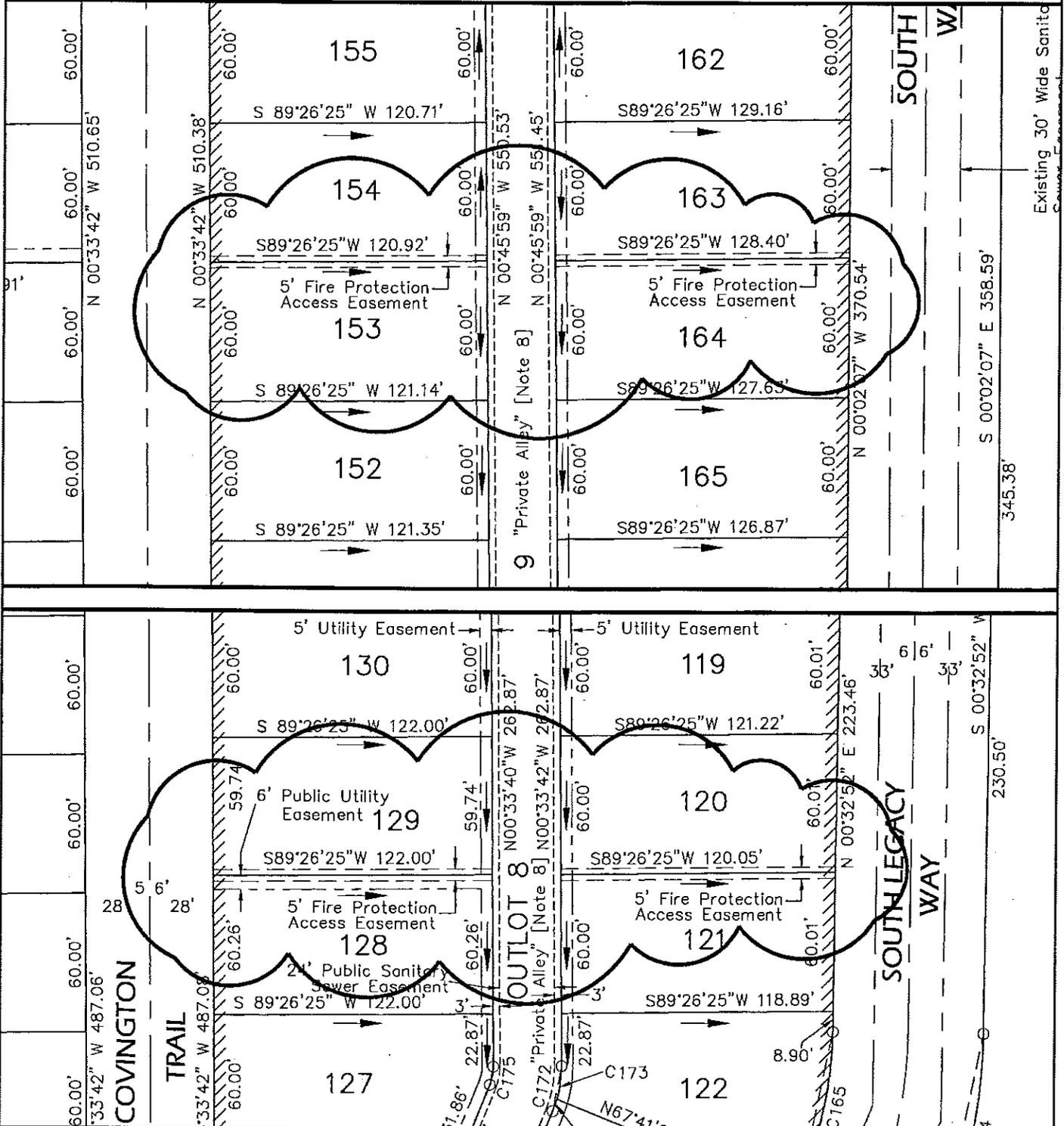
RELEASE OF FIRE PROTECTION ACCESS EASEMENT WITHIN PART OF GOLDEN MEADOWS PLAT



SCALE : ONE INCH = SIXTY FEET



Burse surveying & engineering 1400 E. Washington Ave. Suite 150 Madison, WI 53703 608.250.2363



Subdivisions & Water

PUBLIC ACCESS REQUIREMENTS

s. 236.16 (3)(a),
Wis. Stats.

Subdivisions abutting a navigable lake or stream must provide a 60 foot wide public access to the lake or stream, at half mile intervals as measured along the shoreline, unless there is an existing public access at least 60 feet wide, within 1/2 mile of the subdivision. This public access must extend to the low watermark and be connected to public roads. **Plat Review can not waive public access requirements**; if existing access does not meet the requirements of this section, then access must be provided with the plat.

In general, access is required to all lakes and streams deemed to be public, or “waters of the state”, including but not limited to:

- Lakes meandered by the original USPLS surveys.
- Waters of the Great Lakes.
- Named creeks, streams, and rivers.
- Natural lakes and ponds over 5 acres.
- Other perennial, navigable streams.
- Man-made flowages, lakes created by damming.

In general, access is not required to:

- Intermittent streams, ditches, or drainage ways, regardless of navigability.
- Man-made ponds.
- Farm ditches and drainage ways.

Plat Review uses a variety of reference maps to determine if public access is required to a particular body of water; however, development, terraforming, and other activities may occur that create watercourses that require public access and are not identifiable on maps.

The half mile interval for public access is measured along the shoreline from the farthest point of the plat. (In other words, no point along the shore within the subdivision may be more than 1/2 mile from a public access.)

Access areas on either shore of a stream that meet the requirements of this section are acceptable.

Subdivisions & Water

PUBLIC ACCESS REQUIREMENTS

Existing Public Access more than 1/2 mile from the subdivision may be accepted, if the access has shoreline frontage greater than 60 feet. Existing access that meets or exceeds the ratio of 60 feet per half mile ($60/2640 = 0.0227$), may be accepted as meeting the requirements of this section. The location, width of, and distance to the access must be noted on the plat.

Examples:

1) A public boat landing with 165' of frontage exists 3750' from the farthest point of the subdivision as measured along the shore. $3750' \times 0.0227 = 85'$ of frontage required. The landing provides sufficient access; none is required on the plat.

2) A public park with 125' of frontage exists 5740' from the farthest point of the subdivision as measured along the shore. $5740' \times 0.0227 = 130'$ of frontage required. The park does not provide sufficient access; access is required on the plat.

3) A 100' wide public road crosses a stream 4400' from the farthest point of the subdivision as measured along the shore. $4400' \times 0.0227 = 100'$ of frontage required. The street provides sufficient access; none is required on the plat.

Existing Public Access that does not meet the 60 feet per 1/2 mile ratio may be accepted, if agreed upon by the Department of Administration (Plat Review) and the Department of Natural Resources.

Access Types

There are several acceptable methods to provide public access with a subdivision plat:

- A public street that abuts or crosses the water.
- A delineated parcel marked "Dedicated for Public Access".
- A dedicated public park that adjoins the water.
- A parcel (such as an outlot) that adjoins the water, and is dedicated to a public entity.
- A perpetual Grant of Easement to the public that provides access to the water may be accepted in special cases.

Access Vacation

Public access created under ch. 236 may be vacated by circuit court action, as provided for by s. 236.43; or under the provisions of s. 66.1003, Wis. Stats., and subject to s. 66.1006, Wis. Stats.

s. 236.16 (3)(a),
Wis. Stats.

s. 236.16 (3)(b),
Wis. Stats.

Subdivisions & Water

PUBLIC ACCESS REQUIREMENTS

Access Abandonment or Discontinuance

*s. 66.1006,
Wis. Stats*

Department of natural resources approval of discontinuance. No resolution, ordinance, order, or similar action of a town board or county board, or of a committee of a town board or county board, discontinuing any highway, street, alley, or right-of-way that provides public access to any navigable lake or stream shall be effective until such resolution, ordinance, order, or similar action is approved by the department of natural resources.

*NR 1.92, Wis.
Admin. Code*

Any municipality subject to s. 66.1006, Stats., which proposes to abandon or discontinue any highway, street, alley or right-of-way, which provides public access to a navigable waterway, shall provide a copy of the resolution or ordinance and notify the department (of natural resources) at least 10 working days prior to acting on a resolution or ordinance to abandon or discontinue. Within 10 working days of enacting an ordinance or resolution subject to approval under s. 66.1006, Stats., the municipality shall submit a copy of the ordinance or resolution to the department. Upon receipt of the ordinance or resolution, the department shall publish a notice of the proposed abandonment pursuant to the procedures in s. 31.06, Stats. If no hearing is requested, the department shall proceed under sub. (2) to grant or deny the petition.

*s. 236.16 (3)(c),
Wis. Stats.*

Access Improvements

Except for providing erosion control as outlined in s. 236.16 (3) (d), local units of government do not have to improve lands provided for public access.

*s. 236.16 (4),
Wis. Stats.*

66 Atty. Gen. 85.

LANDS ADJOINING WATER

If the subdivider has any interest in lands between the subdivision and the water's edge of an adjacent lake or stream, and if the lands are for any reason unplattable, such lands must be included within the subdivision.

Subdivisions & Water

FAS, LLC v. Town of Bass Lake, 2007 WI 73, 294 Wis. 2d 697, 717 N.W. 2d 853

WATER BOUNDARIES

Parcels containing navigable streams

The Supreme Court of Wisconsin in the opinion *FAS, LLC vs. Town of Bass Lake*, concluded that a navigable stream crossing a parcel does not sever the parcel when qualified title to property on both sides of the stream is held by the same owner. Parcel boundaries may then cross the navigable stream.

Plat Review follows this determination until further judicial or legislative action says otherwise; we recommend that the developer consult local land division and zoning regulations to determine area and frontage requirements of parcels that contain watercourses.

Parcels bounded by navigable streams

When a watercourse is used as a boundary between parcels, any non-buildable parcel created should be designated as an outlot or public dedication; meander lines may be required for one or both parcels on each side of the watercourse.

Parcels that contain or cross intermittent natural or man-made drainage ways, ditches, swales, etc. generally do not require meandering.

An outlot on one side of the watercourse may be combined with the adjoining lot for purposes of conveyance when a restriction is placed on the plat, similar as follows:

Combined Conveyance Restriction

The following parcels are consolidated for all purposes, including those of assessment, taxation, and conveyance:

Lot 173 is combined with outlot 1;

Lot 174 is combined with outlot 2; (etc).

Subdivisions & Water

WATER BOUNDARIES

Subdivisions bounded by public water

In general, subdivision exterior boundaries along water extend and should be shown to the water's edge of public lakes, and to the thread or center of navigable streams, dependent upon the deed description.

A public lake or navigable stream along an exterior subdivision boundary must be meandered, with monuments set at least 20' from the water's edge or top of bank. The lands between the meander line and the water's edge or center of stream must be included in the metes and bounds description in the Surveyor's Certificate (unless the meander line crosses the water, in which case the lands are excluded).

Lots/Outlots/Public Dedications bounded by public water

In general, lot and other parcel boundaries along water extend and should be shown to the water's edge of public lakes, and to the thread or center of navigable streams, dependent upon the deed description.

A public lake or navigable stream along a lot or other parcel boundary must be meandered, with monuments set at least 20' from the water's edge or top of bank.

Lots/Outlots/Public Dedications bounded by private water

Lot and other parcel boundaries along private water, where the subdivider has title to the bed (such as a man-made pond or lake) may extend into the water, or to the water's edge, or to the ordinary high water mark, depending on the intent of the subdivider. All lands beneath the water must be accounted for, either as part of the adjoining lots, or the lake or pond may be encompassed by an outlot

To ensure accurate retracement, Plat Review may require specific monumentation for parcel boundaries that include the bed of a lake or pond.

Subdivisions & Water

WATER BOUNDARIES

Ordinary High Water Mark (OHWM)

s. 236.025,
Wis. Stats.

There are two options available to determine the OHWM and depict it on the plat. Either method may be used for different areas on the same plat if needed:

s. 236.025 (1)(a),
Wis. Stats.

-Incorporate into the plat the OHWM as determined by the Department of Natural Resources or as otherwise determined according to law.

s. 236.025 (1)(b)
& (2), Wis. Stats.

-Incorporate into the plat an OHWM that has been approximated by a professional land surveyor by locating the point on the lakeshore or stream bank at which the action of the water is continuous enough to be easily recognizable through erosion, destruction of vegetation, or other marks. If the location of the OHWM is difficult to determine within the subdivision, points on adjacent lands may be used to interpolate the OHWM elevation within the subdivision.

s. 236.025 (3),
Wis. Stats.

When an OHWM is approximated in this manner, the plat must include a statement that such mark is for reference only.

Public Trust Information

Any subdivision that is bounded by or contains navigable waters must include the following statement:

s. 236.20 (6),
Wis. Stats.

“Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution”.

Subdivisions & Water

EXAMPLES RELATED TO THIS SECTION

Attorney General opinion regarding lake bed title.

Lot/Outlot numbering for parcels severed by navigable stream.

Attorney General opinion regarding public access to lakes and streams.

Attorney General opinion regarding parcels separated by navigable water.

Subdivisions & Water

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Subdivisions & Water

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The State of Wisconsin
Office of Attorney General
Madison

September 9, 1960

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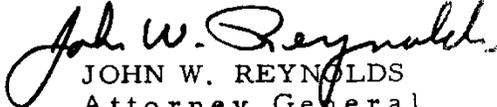
To Whom It May Concern:

This office has had numerous requests, similar to yours, relating to the use of the beach or shore area adjacent to a public lake. While this office is not authorized to render legal advice to private persons, I consider that the public interest in this question makes it appropriate for me to comment thereon.

The title to the bed of a lake below ordinary highwater mark is in the state to be held in trust for the public. By ordinary highwater mark is meant the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics. The public has the right to use the water area for boating, fishing, swimming and the like. This right extends only to the water's edge. At times of ordinary highwater the water's edge will reach the highwater mark. At times of low water there will be a beach area of exposed lake bed between the actual water's edge and the highwater mark. The public may use the lake only to the water's edge and may not go upon the exposed lake bed or beach between the water's edge and the highwater mark. The owner of adjacent lake shore property has the exclusive right to use this exposed lake bed area for access to the water. Such an owner has a right to prevent the public from walking along the lake shore on this exposed lake bed. However, the public would have a right to boat, swim, or walk in the water along the shore. For further discussion of these principles see C. Beck Co. v. Milwaukee, (1909) 139 Wis. 340; Polebitzke v. John Week L. E., (1916) 163 Wis. 322; Doemel v. Jantz, (1923) 180 Wis. 225; Muench v. P. S. C., (1951) 261 Wis. 492; (1946) Wis. Law Rev. 345.

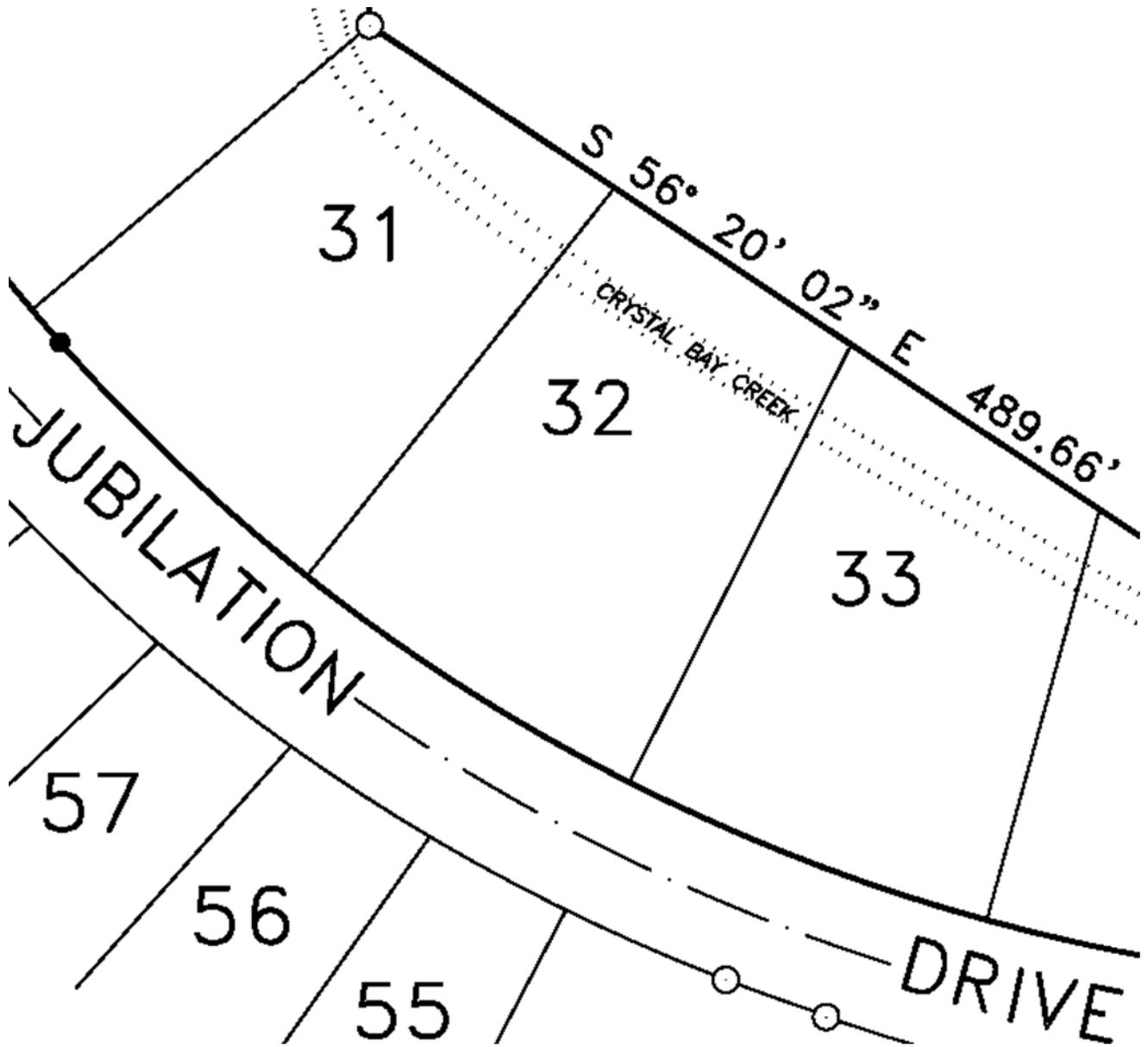
I am pleased to furnish this information and hope that it will be helpful to you. However, any person with a specific problem as to his property rights should consult with an attorney in private practice and be guided by his advice.

Very truly yours,


JOHN W. REYNOLDS
Attorney General

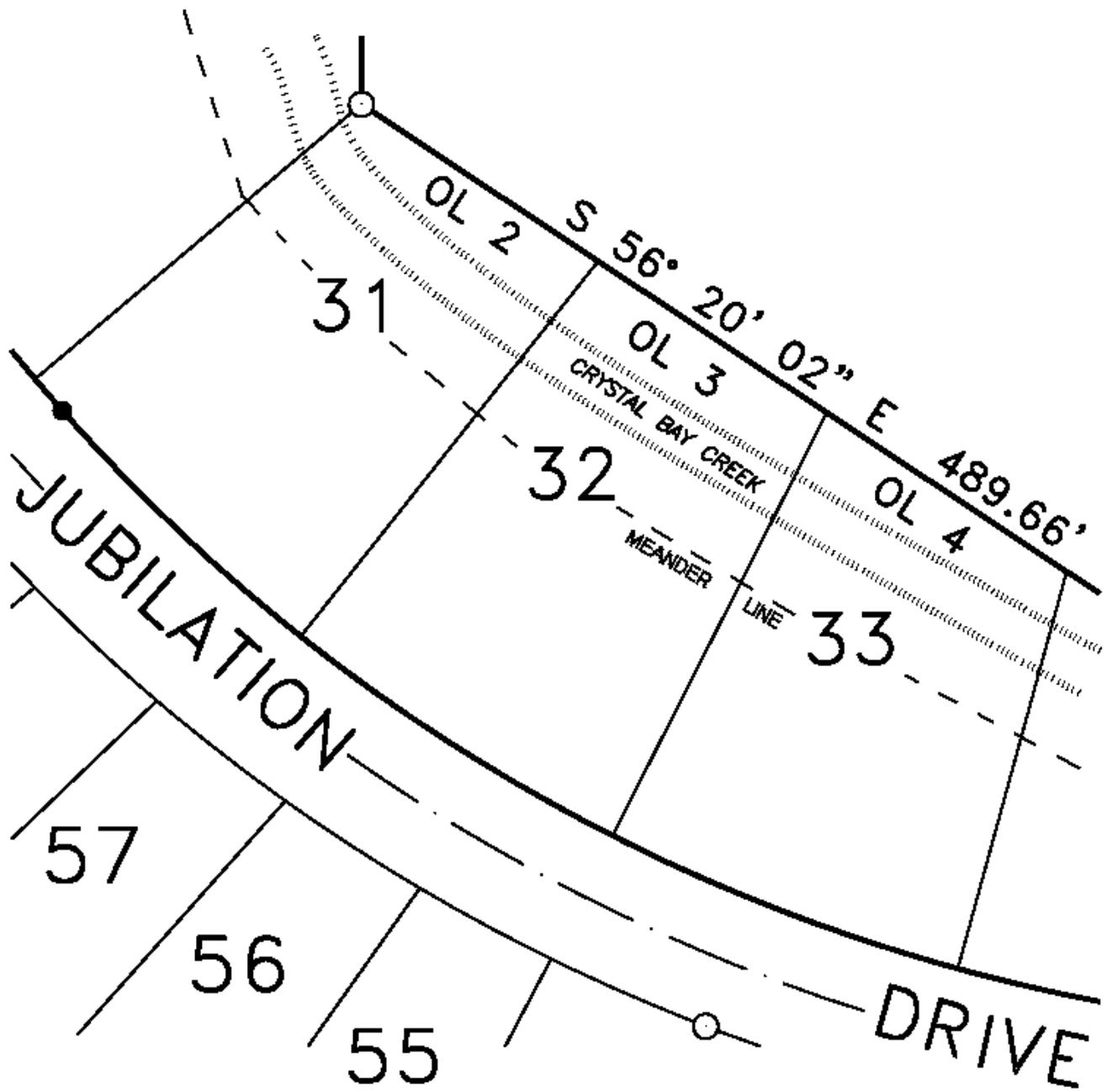
Subdivisions & Water

PARCELS MAY EXTEND ACROSS A NAVIGABLE STREAM LIKE THIS:



Subdivisions & Water

OR PARCELS MAY BE BOUNDED BY A STREAM LIKE THIS:



Subdivisions & Water

Vol. 52, p. 63

OPINIONS OF THE ATTORNEY GENERAL

Public Access-Lakes--Public access to a lake or stream under 236.16 (3) must be connected with rest of public highway system by public road. Width of public road depends on statutes.

March 27, 1963.

FRANK P. ZIEDLER,
Director, Department of Resource Development.

You ask several questions concerning access to lake and stream shore plats. You quote sec. 236.16 (3) as follows:

"(3) LAKE AND STREAM SHORE PLATS. All subdivisions abutting a lake or stream shall provide public access at least 60 feet wide providing access to the low water mark so that there will be public access at not more than one-half mile intervals as measured along the lake or stream shore unless topography and ground conditions do not permit."

You ask four questions concerning this section. They will be answered separately in the following paragraphs.

I

The first question reads, "To satisfy the requirement of 236.16 (3), must the public access to a lake or stream be connected by public ways to the rest of the public highway system of the state?"

It is my opinion that the public access at the low water mark must be connected to the rest of the public highway system in order that public access is provided as per the statute. The section provides that all subdivisions abutting a lake or stream shall provide public access at least 60 feet wide providing access to the low water mark. If the public access at the low water mark does not connect to the system of public highways, this would not be public access.

II.

Your second question reads, "Suppose the local governing body does not want to accept responsibility for the streets or roads of a plat and would accept the plat only if the roads were designated 'private roads,' and the roads would provide the only means of connecting to the rest of the public road system, would an area abutting the lake or stream which is connected to these private roads but designated 'public access' still be eligible to be considered to fulfill the requirements of 236.16 (3)?"

It is my opinion that if the local governing body does not want to accept the plat unless the roads in the plat were designated private roads, and the private roads would provide the only means for connecting

Subdivisions & Water

public access and the public roads system, the requirements of sec. 236.16 (3) are not being fulfilled. Therefore, the plat would not be eligible to be recorded under Ch. 236.

In passing, it may be helpful to observe that the recourse the property owner would have would depend upon whether the property in question was in a town, city or village. If it were in a town, the property owner could petition with six or more resident fee holders, to lay out a town road to the public access. If the town refused, the property owner could attempt to use sec. 80.39 which provides that the county board may lay out highways and ask that a public highway be laid out to the public access. The county board may also enter into an agreement with the city, village or town to enable the county to construct and maintain the street or highway in the municipalities, should the local unit not want the responsibility. (See sec. 83.035.) The county board, under sec. 83.03, may also construct, improve or repair or aid in constructing or improving or repairing any highway in the county.

There is also a provision in sec. 23.09 (14) whereby the county board of any county may condemn a right of way for any public highway to any navigable stream, lake or other navigable waters. Sec. 23.09 (15) provides a means of making an application to the conservation commission for state aid for public access to waters.

If the property is in the city, there is a procedure in sec. 62.22 for ten resident fee holders to petition to open a street. Likewise, if the property is in a village, sec. 61.36 gives the village board the power to lay out a street. Therefore, the property owner could petition the village board.

III.

Your third question reads, "236.16 (3) states that the public access be 60 feet wide; how far back from the low water mark does this 60-foot width of access have to be extended? As an example, could this 60-foot access area be say 150 feet long, thence connected by a street of less than 60 feet wide to the existing public highway system?"

It is my opinion that the access must be 60 feet wide at the low and high water mark. However, if the minimum street width, as established under sec. 236.16 (2) is provided, and this street is connected to the public access, the requirements of statute have been met. If there is an existing public highway system with a street less than 60 feet wide to which the 60 foot access at high water mark is connected, it is my opinion that sec. 236.16 (3) has been complied with. There are other sections of the statutes that provide for minimum street width in addition to sec. 236.16 (2), therefore, I assume that any public highway connecting the public access to the high water mark would be of a sufficient width to provide adequate public access.

- 20 -

Subdivisions & Water

IV.

Your fourth question reads, "The 1955 revisions of chapter 236 changed the width of the public access to lake and stream plats from 50 to 60 feet. If there already exists a 50-foot public access to the water's edge, as previously required, which 50-foot access is within one-half mile (as measured along the shore line) of all points on the new plat, does the new owner have to provide 60 feet within his plat or arrange for the widening of the existing 50-foot access to 60 feet?"

In your fourth question, if you assume that the 50-foot access is not part of any plat, it would then be my opinion that it would be necessary to widen the access to 60 feet, unless topography and ground conditions did not permit, or the new plat should contain a public access. However, if the 50-foot access was within a plat that was recorded, then the access would not have to be widened, nor would it be necessary to provide a 60-foot access in the new plat.

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- 21 -

Subdivisions & Water

OAG 1-77

OPINIONS OF THE ATTORNEY GENERAL

66 OAG 2 (1977)

CAPTION: For the purpose of determining lot area under the provisions of sec. 236.02(8), Stats.:

- (1) If a lot abuts a public or private road or street, the total lot size (area) does not include the land extended to the middle of the road or street.
- (2) An easement of access to a parcel is not to be included in determining the total lot area.
- (3) A body of navigable water separates a parcel of land as effectively as does a public highway.

January 10, 1977

Mr. William R. Bechtel, Secretary
Department of Local Affairs and Development
123 West Washington Avenue
Madison, Wisconsin 53702

You have requested my opinion on a series of questions relating to the calculation of land area for purposes of construing and applying sec. 236.02(8), Stats., and Wis. Adm. Code section H 65.03. Section 236.02(8), Stats., defines "subdivision" for purposes of ch. 236, Stats.:

"(8) 'Subdivision' is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

"(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or

"(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years."

The significance of this section is its specification of the conditions under which a division of land will trigger the application of ch. 236, Stats.

Your first question, which appears substantially identical to your questions four (c) and five, is as follows:

If a lot abuts a public road or street, does the total lot size (area) include the land extended to the middle of the road or street?

-145-

Subdivisions & Water

"a. Is the answer to this question affected by the status of a public street. Specifically, does it make a difference if the public street is a town road, city street, County Trunk Highway, State Trunk Highway or Federal Highway?"

I assume this question is asked in light of the long-standing Wisconsin rule, stated in Walker v. Green Lake County, 269 Wis. 103, 69 N.W.2d 252 (1955), quoting from 25 Am. Jur. Highways, sec. 132, p. 426, as follows:

"In the absence of a statute expressly providing for the acquisition of the fee, or of a deed from the owner expressly conveying the fee, when a highway is established by dedication or prescription, or by the direct action of the public authorities, the public acquires merely an easement of passage, the fee title remaining in the landowner."

The leading case on the subject appears to be Spence v. Frantz, 195 Wis. 69, 217 N.W. 700 (1928):

"It has long been the established law in Wisconsin that the abutting owner has title to the center of the highway or street adjacent to his property, subject to the public easement. It is equally clear that the conveyance of abutting property transfers the legal title to the land to the center of the adjacent street or highway, in the absence of a clear intent to the contrary, even where the conveyance names the highway as the boundary of the parcel conveyed. Gove v. White, 20 Wis. 425, 432." 195 Wis. at 70.

The same rule is applied to the owners of subdivision lots abutting public streets, whether or not the street was included in the recorded plat. Williams v. Larson, 261 Wis. 629, 53 N.W.2d 625 (1952).

In my opinion, however, the area of abutting roads or streets is not to be included in determining the size of lots under sec. 236.02(8), Stats., regardless of whether the public holds a fee or an easement, and regardless of the status of such road or street.

This question has apparently never been judicially treated in Wisconsin in the context of sec. 236.02(8), Stats. A similar question has been raised, however, in the context of determining the area of a homestead exempt from execution by creditors. Weishrod v. Daenicka, 36 Wis. 73 (1874). The statute involved in Weishrod exempted as homestead a quantity of land not to exceed one-quarter acre, owned and occupied by any resident of the state. In its construction of this provision, the court held that the exempt area is to be determined without inclusion of the land to the center of the street. The rationale of the holding is set forth in the opinion as follows:

Subdivisions & Water

"...while the owner of the abutting lot has an estate in fee to the center of the street, and has the right to the enjoyment of any use of his estate consistent with the servitude to which it is subjected, yet...he has no right to obstruct the street in front of his lot in an improper manner or for an unreasonable time. Hundhausen v. Atkins, imp., ante, p. 29. And it is too obvious for argument that the use of a street by the public, and its use and occupancy by the owner for a homestead, are wholly inconsistent with each other. The word 'occupied' has controlling force in determining the question before us and the proper construction of the statute. The object of the statute doubtless is, to secure to the debtor a home--land which he may live upon, occupy and possess as and for a homestead. He has no right to occupy the street for such a purpose, to build upon it, to cultivate it, or to appropriate it to any domestic use. Now suppose the defendant's lots had been bounded by two wide avenues, like some in this city: is it not apparent, if the land in the streets is computed in the quantity exempt, that the owner would have but a small parcel which he could occupy as a home for this family?" 36 Wis. at 76.

Wegge v. Madler, 129 Wis. 412, 109 N.W. 223 (1906), which cites Weisbrod, Supra, with approval, is cited as authority in Loveladies Property Owners Association, Inc. v. Barnegat City Service Co., Inc. 60 N.J. Super. 491, 159 A.2d 417 (1960), a New Jersey case dealing with substantially the same issue you raise. That case involved an action to enjoin development of certain platted areas in a subdivision for residential purposes, and to enjoin issuance of building permits, on the ground that lots laid out in the plat did not meet minimum area requirements set forth in the township zoning ordinance. Access to the lots in question was to be provided by a series of private easements. If the area of these easements were to be included in calculating the area of abutting lots, those lots would have satisfied minimum lot size requirements. The court there stated:

"If these access strips had been dedicated by the developers as public streets instead of being reserved as private easements ... no colorable claim for their inclusion in the required lot area would be maintainable, and this despite the fact that title in fee to the strip may rest in the abutting property owners. See Clarks Lane Garden Apartments v. Schloss, 197 Md. 457, 79 A. 2d 538 (Ct. App. 1951). In the leading case of Montgomery v. Hines, 134 Ind. 221, 33 N.E. 1100 (Sup. Ct. 1893) ... the court voiced the self-evident proposition that:

-147-

Subdivisions & Water

"[l]ot" and "street" are two separate and distinct terms, and have separate and distinct meanings. The term "lots," in its common and ordinary meaning, includes that portion of the platted territory measured and set apart for individual and private use and occupancy; while the term "streets" means that portion set apart and designated for the use of the public ***.' 33 N.E., at page 1101. Thus the determination, in terms of relevance to the present inquiry, of which area is a lot and which a street, these areas being mutually exclusive, depends not on the way title is held, or platted areas apparently bounded on a filed map, but rather on the function which each separate area is to serve as observable by inspection of the plat. ..." 159 A.2d at pp. 422-423.

See also Sommers v. Mayor and City Council of Baltimore, 215 Md. 1, 135 A. 2d 625 (1957); and Peake v. Azusa Valley Savings Bank, 37 Cal. App.2d 296, 99 P.2d 382, 384 (1940).

The functional distinction of Loveladies, Supra, is consistent with Weisbrod, Supra, and appears equally applicable to the construction of sec. 236.02(8), Stats. The purposes of ch. 236, Stats., are set forth in sec. 236.01, Stats. In order to construe sec. 236.02(8), Stats., so as most effectively to accomplish those purposes, especially "to prevent the overcrowding of land" and "to provide for adequate light and air," its 1 1/2 acre cutoff should be calculated exclusive of abutting roads and streets.

As indicated above, sec. 236.02(8), Stats., specifies those divisions of land to which ch. 236, Stats., will apply. Once it has been determined that ch. 236, Stats., is applicable, Wis. Adm. Code ch. H 65, adopted by the Department of Health and Social Services in furtherance of its plat review responsibilities, may also be applicable.

H 65 is authorized by the following statutory provisions:

"(1) Approval of the preliminary or final plat shall be conditioned upon compliance with:

"(d) The rules of the department of health and social services relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for such service has not been made. ..." Sec. 236.13(1)(d), Stats.

Subdivisions & Water

"(f) The department [of health and social services] may make and enforce rules relating to lot size and lot elevation necessary for proper sanitary conditions in the development and maintenance of subdivisions not served by a public sewer, where provision for such service has not been made." Sec. 140.05(f), Stats.

Apparently Wis. Adm. Code ch. H 65, does contain its own rule governing treatment of highway easements, found in Wis. Adm. Code section H 65.03:

"EASEMENTS. Easements for streets or utilities which are greater than 20 feet wide shall not be considered in determining minimum lot area unless approved in writing by the department."

However, such rule is only applicable for determining minimum lot area for the purposes of Wis. Adm. Code ch. H 65.

Yours second question is:

"If a lot abuts a private road or street, does the total lot size (area) include the land extended to the middle of the road or street?

"a. Is the answer to this question affected by the number of owners of the private road or street, i.e., single or lot owners association ownership?"

In the context of sec. 236.02(8), Stats., it is my opinion that two requirements must be met in order for the area of a private street to be includable in the area of a lot. First, implicit in the terms adopted by sec. 236.02(8), Stats., to identify areas of land, i.e., lot, parcel and tract, is a concept of unity of ownership. 52 OAG 411 (1963); and Griffin v. Denison Land Co., 18 N.D. 246, 119 N.W. 1041 (1909). As noted in my discussion of your first question, the basis of the argument for inclusion of the area of public roads was private ownership by abutting owners of land underlying the road. In the case of private roads where the abutting owner has no fee interest in the area of the road, no colorable claim can be made to inclusion of the road's area in determining the size of the abutting lot.

Second, even where unity of ownership exists, the area sought to be included must satisfy the functional test laid out above. Loveladies, Supra, expressly holds that the distinction between streets and lots applies to private as well as public streets. Thus the private driveway on the conventional lot, lying entirely upon an integrated area of land of single ownership, and subject to whatever domestic uses its owner selects, should be included in determining lot size. But a private drive providing a right-of-way through the lands of others, which is not part of an integrated area of land, and not subject to domestic use by the owner, should not be included.

Subdivisions & Water

Your third question is:

"Is an easement that has been granted over the land of others for the purpose of ingress and egress to a parcel to be included in the total lot area for the purpose of sec. 236.02(8) and/or sec. H 65.03, Wis. Admin. Code?"

The answer is no. The unity of ownership and functional distinction criteria apply. Where an easement has been granted for purposes of ingress and egress, the area subject to the easement must be excluded in calculating lot size on the functional basis, just as a public highway is excluded.

Fourth, you ask whether a single lot may consist of two parcels separated by land owned by another party, such as a public highway.

The weight of authority requires that sec. 236.02(8), Stats., be construed as providing a negative response.

"'The word lot means any portion, piece or division of land.' It 'denotes a single piece of land, lying in a solid body and separated from contiguous land by such subdivisions as are usual to designate different tracts of land, and in the subdivision of a tract of land into city lots, each lot in a city constitutes but a single piece or parcel of land.'" 2 McQuillin, Municipal Corporations (1966 Rev. Vol.), sec. 7.19, p. 360.

"... Tracts of land, separated by a public thoroughfare, do not constitute a single lot." 101 C.J.S. Zoning, sec. 144, p. 905.

See also Sanfilippo v. Bd. of Review of Town of Middletown, 96 R.I. 17, 188 A.2d 464 (1963), where a board of review finding that three parcels constituted a single lot was overturned as arbitrary on the basis of physical facts. Among the facts considered was the intervention of a public highway setting one parcel apart from the others.

A lot for purposes of sec. 236.02(8), Stats., cannot consist of separate parcels which are not susceptible to integration into a single unit of land. This includes the situation where the parcels are separated by land in other possession, such as a public highway.

Wis. Adm. Code section H 65.03(4)(b), permits use of combinations of lots to make up the area required by that chapter. However, inasmuch as the purpose of that chapter is to require sufficient land area for sewage disposal, it is clear that a parcel set off by a highway which is not available for sewage disposal purposes should not be included.

Subdivisions & Water

Finally, you ask whether a lot may extend across navigable water such as a channel or lagoon.

The answer is again no. A body of navigable water separates a parcel of land as effectively as does a public highway. Land owners abutting on navigable streams hold a qualified title to the center of the stream bed. Muench v. Public Service Comm., 261 Wis. 492, 501, 53 N.W.2d 514 (1952). Title to the lands underlying navigable lakes is held by the state. State v. McFarren, 62 Wis. 2d 492, 498, 215 N.W.2d 459 (1974). Abutting land owners are prohibited from placing structures and obstructions in navigable waters without first securing a permit from the Department of Natural Resources. Sec. 30.12, Stats. Therefore, parcels separated by navigable waters are no more susceptible to functional integration than parcels separated by public highways.

I am acutely aware that the answer given to question three above may encourage potential developers to pattern their developments in such a way as to separate lands to be divided by dedicating public roads and/or creating private roads separating lots which are then further divided into less than 5 parcels of 1 1/2 acres each or less thereby avoiding statutory platting requirements. You may wish to monitor developments to determine whether this is in fact occurring and to suggest that the Legislature change the law if it appears that the public purposes underlying the platting laws are being frustrated.

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-151-

The following excerpt is the conclusion of the Supreme Court Opinion FAS, LLC v. Town of Bass Lake, [2007 WI 73](#), 294 Wis. 2d 697, 717 N.W. 2d 853 relating to parcel boundaries crossing navigable streams.

III. CONCLUSION

¶33 We conclude that a navigable stream meandering over a parcel does not divide the parcel into two parcels when the same riparian owner holds qualified title to the property on both shores of the stream. We also conclude that under the Sawyer County Zoning Ordinances then in effect, the entire parcel, including the streambed, is used to calculate the width of the lakeshore frontage. Therefore, because the board of appeals proceeded on an incorrect theory of law in regard to whether the navigable stream divided the parcel, it inaccurately calculated the width of the parcel at issue under the then effective zoning ordinance. Accordingly, we affirm the court of appeals.

By the Court.—The decision of the court of appeals is affirmed.

Subdivisions & Water

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Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

SURVEYING REQUIREMENTS

s. 236.15, Wis. Stats.

[monumentation requirements differ for CSMs, see s. 236.15 (1) (c & d) of the statute]

MONUMENTS

s. 236.15 (1) (a-d),
Wis. Stats.

PLACEMENT

Monuments must be placed flush with the ground at all:

- Exterior boundary corners and angle points, meander corners and angle points, and curve PCs and PTs;
- Interior block, street right-of-way, curve PCs and PTs and angle points;
- Lot and outlot corners, angle points, and curve PCs and PTs;
- Meander corners and angle points, and at the intersections of lot lines and meander lines (set back 20 feet or more from the ordinary high water mark).

On subdivision plats and CSM's, if a monument falls within a street, the monument is set along the right-of-way line. (see s. 236.15 (1) (ac), Wis. Stats.)

STANDARDS

Exterior boundary, interior block/ROW corner monuments (plats only):

Minimum: Length: 18" Weight: 3.65 lbs./lin.ft
Typical: 2" o.d. x 18" iron pipe, 3.65 lbs/lin ft
1 1/4" x 18" iron bar, 4.17 lbs/lin ft
1 1/4" x 18" iron re-bar, 4.30 lbs/lin ft

All exterior monuments must be set prior to submittal of the final plat. Placement of the interior monuments may be waived per s. 236.15 (1) (h), Wis. Stats.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.15, Wis. Stats.

s. 236.15 (1) (a-d),
Wis. Stats

SURVEYING REQUIREMENTS

MONUMENTS

STANDARDS (continued)

Lot/outlot, public dedication, meander corner monuments (plats and CSMs):

Minimum: Length: 18" Weight: 1.13 lbs/lin ft

Typical: 1" o.d x 18" iron pipe, 1.13 lbs/lin ft
3/4" x 18" iron bar/rebar, 1.50 lbs/lin ft

These are minimum requirements. Use your professional judgment. Set a longer monument if need be to insure that it's archival.

MONUMENT WAIVERS

When strict compliance with the monumentation requirements is unduly difficult on a plat or CSM, Plat Review may make other reasonable requirements. The alternative must be sufficient for the exact retracement of the boundaries affected.

Some examples are:

<u>Condition:</u>	<u>Alternative Monumentation:</u>
Corner falls in sidewalk, curb, or pavement.	Chiseled "X", Magnetic or P.K. nail, Drill Hole
Corner falls in bedrock or rock outcropping.	Chiseled "X" or drill hole.
Corner occupied by tree or other feature	Standard monuments, offset from corner on each line.
Corner occupied by building.	Standard monuments, set off line as witness corners. In some cases, the building corner is used to mark the boundary corner.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.15, Wis. Stats.

SURVEYING REQUIREMENTS

s. 236.15 (2),
Wis. Stats.

ACCURACY OF SURVEY

CLOSURE

The ratio of error in the latitude and departure closure of the survey of a subdivision or CSM or any part of their survey, must be within 1'/3000'.

The dimensions shown on your plat or CSM are used to compute the latitude and departure closure.

s. 236.16, Wis. Stats.

LAYOUT REQUIREMENTS (This section does not apply to CSMs)

s. 236.16 (1),
Wis. Stats.

MINIMUM LOT WIDTH

STANDARD LOTS

In counties with a population of 40,000 or more, lots must have an average width of 50 feet or more and contain 6,000 square feet or more of area.

In counties with a population of less than 40,000, lots must have an average width of 60 feet or more and contain 7,200 square feet or more of area.

NON - STANDARD LOTS

Minimum lot width and area requirements may be reduced **ONLY** by local subdivision control ordinances when lots are served by public sewer.

If the subdivision contains non-standard lots, you must include or make reference to the ordinance with the plat submittal, or provide certification from the approving authority that the lots comply with local ordinance.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.16, Wis. Stats.

LAYOUT REQUIREMENTS (This section does not apply to CSMs)

s. 236.16 (2),
Wis. Stats.

MINIMUM STREET WIDTH

CITY OR VILLAGE STREETS

Streets within the subdivision must be at least 60 feet wide unless otherwise provided for by local ordinance.

If the subdivision contains streets less than 60' wide, you must include or make reference to the ordinance with the plat submittal, or provide verification from the approving authority that the street widths comply with local ordinance.

TOWN ROADS

Right-of-way widths of town roads must comply with the Minimum Design Standards prescribed in s.82.50, Wis. Stats.

In general, based upon Annual Average 24-Hour Traffic (ADT) projections, the minimum width requirement is:

- 49.5 feet when under 100 ADT
- 66 feet when 100 to 250 ADT

The department of transportation may grant a deviation from minimum town road standards when it is not contrary to the public interest and safety.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.16, Wis. Stats.

LAYOUT REQUIREMENTS (This section does not apply to CSMs)

LAKE & STREAM PLATS.

ACCESS TO WATER

s. 236.16 (3),
Wis. Stats.

Subdivisions abutting a navigable lake or stream (perennial stream) must provide a 60 foot wide public access to the lake or stream, at half mile intervals as measured along the shoreline, unless there is an existing public access at least 60 feet wide, within 1/2 mile of the subdivision. This public access must extend to the low watermark (water's edge) and be connected to public roads.

The half mile interval for public access is measured along the shoreline from the farthest point of the plat. (In other words, no point along the shore within the subdivision may be more than 1/2 mile from a public access.)

Access areas on either shore of a stream are acceptable for the requirements of this section

Exceptions. Public access points may be further apart than 1/2 mile provided the access is greater than 60 feet. Such exceptions are evaluated on a case by case basis with input from the Department of Natural Resources.

Public access created under this section may be vacated only by circuit court action, as provided for by s. 236.43, Wis. Stats.

s. 236.16 (4),
Wis. Stats.

LAND BETWEEN MEANDER LINE AND WATERS EDGE

On subdivision plats, the land lying between the meander line and the water's edge, and any other 'unplattable' land must be included as part of the lots, outlots or public dedications.

Parcel boundaries along lakes extend and must be shown to the water's edge of public lakes, and to the thread or center of navigable streams, dependent upon the deed description.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (1)
(a, b, c), Wis. Stats.

GENERAL REQUIREMENTS (This section does not apply to CSM's)

- The plat shall have a binding margin of 1 inch on all sides.
- A plat submitted for review can be drafted on any material that is capable of being legibly reproduced. [Digital submittals in pdf format are accepted; contact Plat Review for specific information.]
- A graphic scale of not more than 100 feet to one inch shall be shown on each sheet showing layout features.
- When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat.
- Each sheet shall bear the subdivision and county name.

The required margins leave an available drawing area of 27-1/2" x 20".

Drafting tips:

-The drawing should be oriented so that it is readable from the bottom and right edges of the sheet.

-When viewing the plat with north at the top, text should not be upside down.

s. 236.20 (2)
(a-k), Wis. Stats.

MAP & ENGINEERING INFORMATION

BOUNDARIES (applies to plats & CSMs)

The plat shall correctly show the boundaries of the land surveyed and divided. This includes exterior, lot and outlot and public dedications boundaries.

s. 236.20 (2)(a),
Wis. Stats.

Effective use of line weights and font selection make the drawing legible. The exterior boundary should be drawn with a heavy solid line. It should be the heaviest line on the drawing.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

MAPPING REQUIREMENTS

s. 236.20, Wis. Stats.

MAP & ENGINEERING INFORMATION

s. 236.20 (2)
(a-k), Wis. Stats.

MONUMENTS (applies to plats & CSMs)

s. 236.20 (2)
(b), Wis. Stats.

Monuments set as required by s. 236.15 (1) (a,ac,ag,b), Wis. Stats. must be graphically shown on the drawing. Park, public access, and public dedication corner monuments required by s.236.15 (1) (c, d & f), Wis. Stats must also be shown.

- Exterior boundary corners, curve PC & PT.
- Block corners, curve PC & PT along streets.
- Meander line start, end, angle points.

All monuments must be described, by legend or on the drawing:

- Material (iron, steel, concrete w/magnet).
- Type (pipe, rebar, square/round bar).
- Length and diameter (O.D. / nominal for pipe).
- Weight per lineal foot (use AISC standards).

All other lot, outlot, and lot and outlot meander corners, not described above, do not need to be graphically shown on the drawing, but must be described in the Legend.

- Example: "Set 1" o.d. x 24" iron pipe, 1.13lb/ft at all other (lot, outlot, meander) corners."

Found monuments must be identified as "found" and described by type, material and diameter.

- Symbols shown in the Legend must match those shown on the drawing (size, style & shape).
- Be sure to trim line work from "open" symbols.
- Avoid need to trim by using solid symbols.
- Size symbols to avoid being "run over" by line work.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

MAPPING REQUIREMENTS

s. 236.20, Wis. Stats.

s. 236.20 (2)
(a-k), Wis. Stats.

s. 236.20 (2)(c),
Wis. Stats.

MAP & ENGINEERING INFORMATION

BEARINGS AND DISTANCES (applies to plats & CSMs)
Bearings and distances must be shown for exterior boundaries, blocks, lots, outlots and public dedications. In addition:

- Overall lot lengths must be shown.
- Incremental lot lengths must total overall block lengths.
- Block lengths and street right-of-way cut-off lengths must total overall boundary lengths.
- Previously recorded bearings and lengths must be shown on plat and map drawings.

Easements not parallel to a boundary or lot line must show centerline or boundary bearing and distance and a tie to an adjacent lot corner.

When drafting and delineating easements and other boundaries that carry restrictions with them (ex. Environmentally Restricted Area), show additional ties to lot corners so the public can easily determine the limits of easements on each individual lot.

s. 236.20 (2)(d),
Wis. Stats.

BLOCK DESIGNATION (does not apply to CSMs)

Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.

All plats contain blocks. Blocks do not have to be designated as such to be a block.

Block boundaries may be defined by:

- Public street right-of-way lines.
- Exterior subdivision boundaries.
- Navigable waters.
- Public dedications.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

MAPPING REQUIREMENTS

s. 236.20, Wis. Stats.

s. 236.20 (2)
(a-k), Wis. Stats.

s. 236.20 (2)(e),
Wis. Stats.

MAP & ENGINEERING INFORMATION

LOT AND OUTLOT DESIGNATIONS (applies to plats & CSMs)

All parcels within a plat or CSM must be designated as a lot, outlot, street, or public dedication.

All lots and outlots in each block must be consecutively numbered.

In addition:

- Lots must be numbered, not lettered and they must be 'whole' numbers.
- Outlot numbering must follow pattern established by lot numbering
- Numbering need not start with one; however, lot numbers in any numbered addition may not precede those already established.

Lot and outlot numbering in numbered additions to a subdivision must pick up where the prior subdivision left off, and must be consecutive throughout the addition.

Example: If Plat X contains lots 1-25 and outlots 1-3, then lot numbering for First Addition to Plat X must start with lot 26 and outlot 4, and be consecutively numbered thereafter.

66 O.A.G. (2) (1977) provides that lots and outlots may not extend across public highways (whether dedicated, or by easement or use). Non-buildable parcels separated by a public highway should be shown as consecutively numbered outlots.

Outlots created this way may be conveyed to an adjacent lot by a restriction placed on the plat or CSM.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (2)
(a-k), Wis. Stats.

MAP & ENGINEERING INFORMATION

EASEMENTS & RIGHT OF WAYS (applies to plats & CSMs)

The exact width of all easements must be delineated on the drawing.

- Easement widths may be dimensioned on the plat drawing or;
- Easement widths can be delineated using a “typical” detail showing all necessary features.
- Existing easements must be shown and labeled as such.

s. 236.20 (2)(f),
Wis. Stats.

The exact width of street right-of-ways must be shown on the drawing.

- Show partial and overall right-of-way widths.
- Right-of-way widths shown perpendicular to reference line/centerline.
- Show minimum widths for variable width right-of-way and dimensions at angle points.

s. 236.20 (2)(g),
Wis. Stats.

DISTANCE FROM MEANDER LINE TO OHWM (applies to plats & CSMs)

The distance between the point of intersection of a meander lines with lot lines to the ordinary high water mark (OHWM) must be shown on the drawing. This distance is shown along the lot line.

In addition:

- All meander lines must be shown, drafted with a broken line type and clearly labeled ‘meander line’.
- The bearing and total distance between angle points must be shown along the meander line.
- The perpendicular distance (at least 20’) from the meander corner to the ordinary high water mark must be shown.
- If this distance is 20’, show it as “20’+” on the plat and not “20’+/-”.

s. 236.20 (2)(h),
Wis. Stats.

STREET CENTERLINE (applies to plats & CSMs)

The center line of all streets included within the plat or CSM must be shown on the drawing.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (2)
(a-k), Wis. Stats.

MAP & ENGINEERING INFORMATION

NORTH POINT (applies to plats & CSMs)

A north point properly identified and referenced to a magnetic, true or other identifiable direction must be shown on the drawing. It must also be related to a boundary line of a quarter section, recorded private claim or federal reservation in which the land division is located.

s. 236.20 (2)(i),
Wis. Stats.

- Statement or notation near the north arrow indicating basis of bearings.
- Assumed, magnetic, true, grid.
- Include bearing of reference line (line plat tied to) "North line NE 1/4 assumed to bear East".
- Grid, show zone (north, central, south) and datum NAD 1927, NAD 1983(86), NAD 1983(91).

s. 236.20 (2)(i),
Wis. Stats.

AREA (applies to plats & CSMs)

The area, in square feet, must be shown for each lot, outlot and public dedication shown included in the plat or CSM.

Drafting tips:

For lots bounded by water --- in addition to the overall area to the water's edge, include area to meander line.

If the lots are cluttered, show the areas in a table.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

s. 236.20 (2)
(a-k), Wis. Stats.

s. 236.20 (2)(k),
Wis. Stats.

MAPPING REQUIREMENTS

MAP & ENGINEERING INFORMATION

CURVE DATA (applies to plats & CSMs)

When a street is on a circular curve, curve data must be shown, either on the drawing or in an adjoining table.

When a circular curve of 30-foot radius or less is used to round off the intersection between 2 straight lines, it shall be tangent to both straight lines. It is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

Data for main curves must be shown on the drawing or in a curve table:

- Radius
- Chord bearing and length
- Central angle
- Arc length
- Tangent bearings at the PC and PT for non-tangent curves

Straight lines at the PC and PT are assumed tangent unless shown otherwise.

Chords for main curves and block curves, must be shown as dashed lines on the drawing.

Data for sub-curves (lot curves) must be shown on the drawing or in a curve table:

- Radius
- Chord bearing and length
- Central angle
- Arc length

Central angle and arc lengths of sub curves must total that shown for the main curve.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

CURVE DATA

(refer to curve components drawing following page)

Per s. 236.20 (2) (k), Wis. Stats., the following curve data must be shown on the plat. The data may be shown in a table, or noted on the drawing, or a combination of both.

Main Curve Data

- Radius Length
- Tangent bearing at the PC (if non-tangent)
- Tangent bearing at the PT (if non-tangent)
- Chord bearing
- Chord length
- Central angle
- Arc Length

Sub Curve Data

- Radius Length
- Chord bearing
- Chord length
- Arc Length
- Central angle

Main curves are curves along the exterior boundary, or interior block boundaries, usually along street or highway right-of-ways. Sub curves are segments of the main curve that form lot, outlot, or other parcel boundaries, or separate curves that form easement or other boundaries within a parcel.

For curves of 30' radius or less that are tangent to and used to round off the intersection of two straight lines, it is sufficient to show only the radius and the tangent lengths.

CURVE COMPUTATIONS

Plat Review computes main curves based upon data provided on the plat for the Tangent Bearing In at the PC (heading clockwise), the Radius, and the Chord Bearing. From this data we derive the Chord Length, the Arc Length, the Central Angle, the Central Angle Subtended, the Tangent Bearing Out at the PT (heading clockwise), and the Tangent Length. Data that exceeds rounding differences is flagged for adjustment.

Similarly, sub curves are computed from the main Tangent Bearing In at the PC (heading clockwise), the Radius, and the Sub Chord Bearings, all as shown on the plat. The output data consists of the Sub Chord Length, the Sub Arc Length, the Sub Central Angle, and the Sub Tangent Bearing Out.

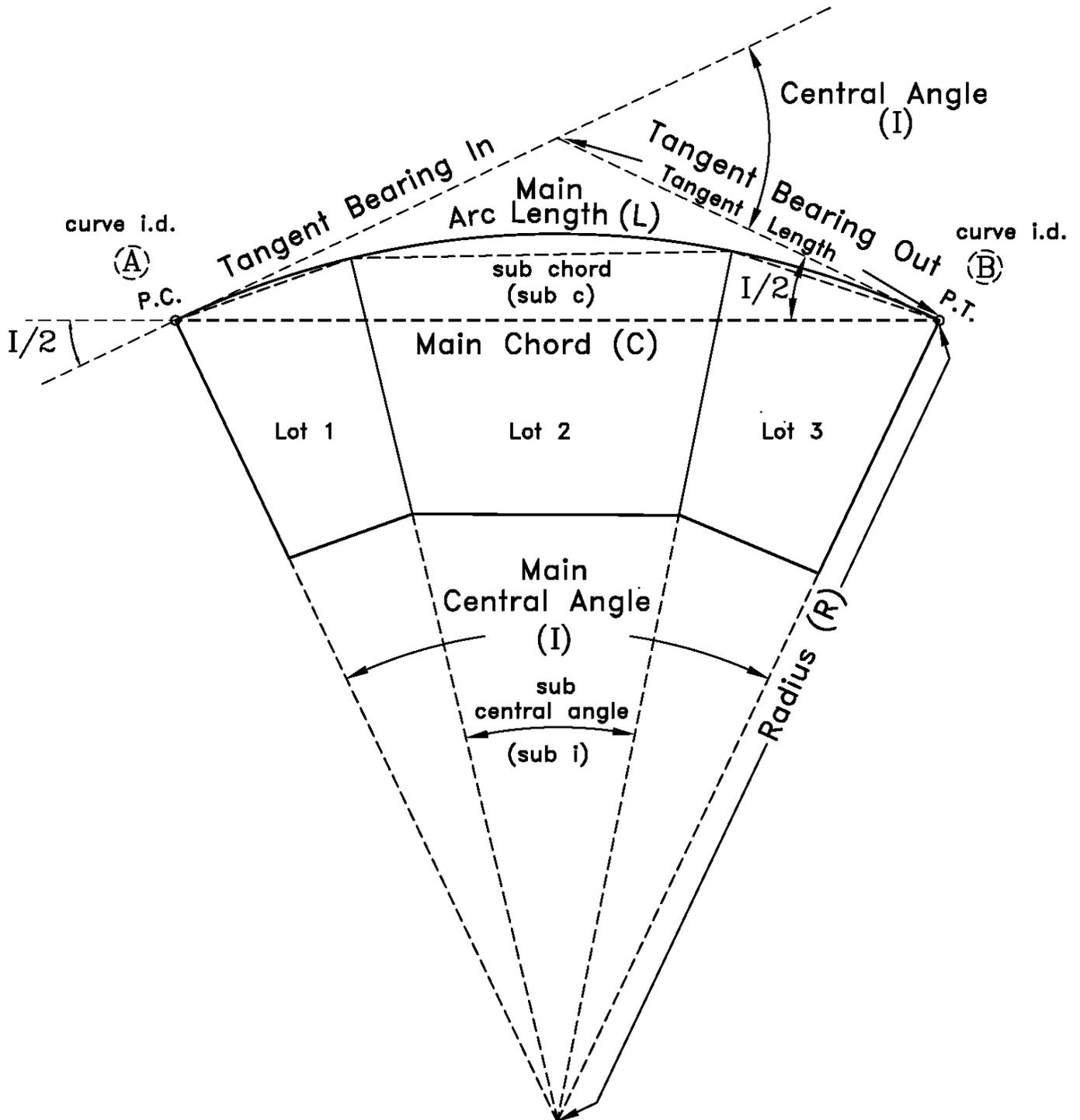
SAMPLE CURVE TABLE

(refer to curve components drawing and curve calculations on following pages)

Curve ID	Radius	Chord Bearing	Chord length	Arc Length	Central Angle	Tangent Bearings
A-B	470.00'	N 89° 59' 20 "E	405.20'	418.93'	51° 04' 12"	N 64° 27' 14" E S 64° 28' 34" E
Lot 1	470.00'	N 70° 29' 10" E	98.78'	98.97'	12° 03' 52"	
Lot 2	470.00'	N 88° 55' 38" E	201.99'	203.58'	24° 49' 04"	
Lot 3	470.00'	S 71° 34' 12" E	116.09'	116.38'	14° 11' 16"	

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

CURVE COMPONENTS



Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

CURVE COMPUTATION EXAMPLE

(refer to curve components drawing previous page)

<i>Variables</i>	<i>Sub Curve Computed Data</i>
R = Radius length	
C = Chord length	
L = Arc Length	
T = Tangent length	
I = Central angle	
TB = Tangent bearing	
CB = Chord bearing	

<i>Formulas</i>	
C = 2R sin I/2	
L = R * I (I in radians)	
OR	
L = R * I (I in decimal degrees/57.2958)	
(approximate value)	
T = R tan I/2	
I/2 = (CB - TB in)	
(clockwise azimuth, north = 0°)	
TB out = TB in + I	
(clockwise azimuth, north = 0°)	

<i>Given Data</i>	
TB in = N 64° 27' 14" E	
R = 470.00'	
CB (main) = N 89° 59' 20" E	
CB (lot 1) = N 70° 29' 10" E	
CB (lot 2) = N 88° 55' 38" E	
CB (lot 3) = S 71° 34' 12" E	

<i>Main Curve Computed Data</i>	
I/2 = 89° 59' 20" - 64° 27' 14"	
= 25° 32' 06"	
I = 51° 04' 12"	
C = 2*470.00*(sin 25° 32' 06")	
= 405.198'	
TB out = 64° 27' 14" + 51° 04' 12"	
= 115° 31' 26" (S 64° 28' 34" E)	
L = 470.00*(51° 04' 12"/57.2958)	
= 470.00*(51.07/57.2958)	
= 418.929'	
T = 470*(tan 25° 32' 06")	
= 224.531'	

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

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Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (2)(L)

WAIVER (applies to plats & CSMs)

When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat or certified survey map more difficult to read, and when the information on the plat or certified survey map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department may waive such strict compliance.

Plat Review may waive:

- Scale requirements, if the plat or map is legible at smaller scale.
- Monumentation requirements, provided witness corners are used for accurate retracement.
- Lot numbering when lot number is consistent with development style and remains consecutive throughout the plat.

s. 236.20 (3) (a-e),
Wis. Stats.

NAME, LOCATION & POSITION

PLAT NAME

The name of the plat shall be printed on each sheet, in prominent letters, and can not be a duplicate of the name of any plat previously recorded in the same county or municipality.

s. 236.20 (3) (a),
Wis. Stats.

- The following are considered duplicate plat names: Yokum Cove, Yokum Cove Plat, Yokum Cove Subdivision and Yokum Cove Addition
- Contact Plat Review to verify if your plat name will be a duplicate.
- If the subdivision is redividing part of a recorded subdivision or CSM, the blocks and lots being redivided should be referred to in the description under the plat name.
- If the subdivision contains vacated streets, the date and method of the street vacation should be referred to in the description under the plat name.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (3) (a-e),
Wis. Stats.

NAME, LOCATION & POSITION

LOCATION (applies to plats & CSMs)

s. 236.20 (3) (a),
Wis. Stats.

The location of the land division by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted immediately under the name given the subdivision.

The County must be included in the location description on every sheet. Although not required, we recommend showing the city, village or town as well as the county.

s. 236.20 (3) (b),
Wis. Stats.

TIE TO USPLS (applies to plats & CSMs)

The location of the land division shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.

- Subdivision and CSM are tied by bearing and distance to two monumented USPLS corners marking a boundary line of the 1/4 section that the land division is located in.

It is acceptable to tie to established and monumented:

- Private Claim or Federal Reservation corners.
- USPLS meander corners.
- Center of section (although, you cannot 'commence' your description from the center of section.)

On the map, show:

- Description of the corners used (E 1/4 corner section 12, SW corner P.C. 31, etc.).
- Monument symbols at both ends of the boundary line that the subdivision is tied to.
- Type of monument (concrete w/brass cap, 2" o.d. iron pipe, Berntsen, etc.).
- Bearing & distance between the monuments.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (3) (a-e),
Wis. Stats.

NAME, LOCATION & POSITION

LOCATION SKETCH (does not apply to CSM's)

s. 236.20 (3) (c),
Wis. Stats.

A small drawing of the section or governmental subdivision of the section in which the subdivision lies with the location of the subdivision indicated on the sketch.

It is helpful if the location sketch shows the relationship of the subdivision to existing streets as well as the 1/4 section in which the plat is located.

The drawing or sketch shall be oriented on the sheet in the same direction as the main drawing.

Location Sketch should provide:

- Quick easy determination of plat location
- Footprint of plat and be oriented same as main drawing.
- the entire quarter section or gov't lot in which plat is located or;
- the location of plat relative to surrounding streets and other features

s. 236.20 (3) (d & e),
Wis. Stats.

ADJOINING STREETS AND SUBDIVISIONS

The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted or dashed line.

- Show both Right Of Way lines of adjoining and adjacent streets and highways.
- R.O.W. lines should extend beyond the subdivision.
- R.O.W. does not have to be to scale if space prohibits.
- Dashed / dotted lines used to indicate existing features.
- Show overall R.O.W. width of adjoining streets and highways.
- Show R.O.W. width of any partial street along subdivision boundaries.
- Show overall R.O.W. width of streets adjoining subdivision
- Show status beyond adjacent right-of-ways.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (4) (a-d),
Wis. Stats.

ROADS & PUBLIC SPACES

s. 236.20 (4) (a),
Wis. Stats.

STREET NAME

The name of each road or street in the plat shall be printed on the plat.

-For partial street dedications the street name may be arrowed into the street right-of-way.

-Show the street names using a bold font.

-Do not underscore street names within subdivision boundaries.

s. 236.20 (4) (b),
Wis. Stats.

DEDICATED LANDS

All lands dedicated to public use including roads and streets shall be clearly marked "Dedicated to the Public".

Show purpose for dedication on the plat drawing.

Examples: "Dedicated to the public for parklands".

"Dedicated to the public for access to creek".

Purpose of dedication will determine the discontinuance or vacation procedure required.

s. 236.20 (4) (c),
Wis. Stats.

PRIVATE STREET/ROADS

All roads or streets shown on the plat which are not dedicated to public use shall be clearly marked "*Private Road*" or "*Private Street*" or "*Private Way*", and designated as an outlot.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

s. 236.20, Wis. Stats.

MAPPING REQUIREMENTS

s. 236.20 (4) (a-d),
Wis. Stats.

ROADS & PUBLIC SPACES

s. 236.20 (4) (d),
Wis. Stats.

STREET ACCESS (does not apply to CSM's)

Each lot within the plat must have direct access to a public street unless otherwise provided by local ordinance.

- Local ordinance can allow lot access to a public street via ingress / egress easement or private road.
- Submittal must include certification from the municipality that local ordinance allows such access.

s. 236.20 (5) (a-c),
Wis. Stats.

SITE CONDITIONS & TOPOGRAPHY (applies to plats only)

All existing buildings identified and shown using dashed or dotted line types.

- Solid lines are reserved for lot, outlot and plat boundaries.
- Hatching of building footprints helps show locations.

Show all watercourses, drainage ditches and other existing features pertinent to proper subdivision.

- Include wetlands and intermittent streams.

The water elevations of adjoining lakes or streams at the date of the survey and the approximate high water elevation of those lakes or streams. All elevations shall be referred to some permanent established datum plane.

- Elevations should be referenced to U.S.G.S. datum.
- Local datum acceptable, if related to U.S.G.S
- The bench mark used should be identified/described on the drawing.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

EXAMPLES RELATED TO THIS SECTION

Scale Waiver request form
Grant of Scale Waiver
Final Plat Checklist

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

<h2 style="margin: 0;">Request for Scale Waiver</h2> <p>Plat Review Department of Administration</p>	<p>Shipping Address: Plat Review – DOA 101 E Wilson St FL 9 Madison WI 53703</p> <p>Mailing Address: PO Box 1645 Madison WI 53701</p> <p>Phone: 608-266-3200 Fax: 608-264-6104</p> <p>Email: plat.review@wi.gov</p> <p>Web: http://doa.wi.gov/platreview</p>
Subdivision Name or other map reference:	
County:	
Surveyor, Company & Shipping Address:	
Name:	
Company:	
Shipping Address:	
Phone:	
Fax:	
Email:	
Date:	
1. Proposed scale greater than 1" = 100' (1" = 500' for CSM's) :	
2. Identify portions of map with proposed scale (or "all"):	
3. Include full size copy of map drawn at proposed scale.	
SCALE WAIVERS	
When strict compliance with the scale requirements of s. 236.20 (1) (a), Wis. Stats. , will render the plat or CSM difficult to read, Plat Review may waive such strict compliance as allowed for by s. 236.20 (2) (L), Wis. Stats. Plat Review will determine that all boundary and other data shown on the plat or CSM is legible at the proposed scale, and may require the use of detail drawings or other methods to ensure legibility prior to granting a waiver.	
Receipt & Transmittal Record	Shaded Area for Office Use Only
Date Received: _____	Date of reply: _____
Copies Sent: <input type="checkbox"/> Municipality <input type="checkbox"/> County	<input type="checkbox"/> Filed with plat DOA file # _____
	<input type="checkbox"/> Filed in Counties
	By: _____ Date: _____
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Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

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Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

SAMPLE GRANT OF SCALE WAIVER

This letter is sent by Plat Review to the Surveyor that submitted the plat for review, to grant a request for a waiver of the requirements of s. 236.20 (1) (a).



JAMES E. DOYLE

GOVERNOR

MICHAEL L. MORGAN

SECRETARY

Plat Review

101 E. Wilson St FL 9, Madison, Wisconsin 53703

P.O. Box 1645, Madison, Wisconsin 53701

(608) 266-3200 Fax: (608) 264-6104

E-mail: plat.review@wi.gov

<http://doa.wi.gov/platreview>

January 30, 2006

Mark. E. Krause, RLS
Wagner Surveying
23745 Lakeland Ave N
PO Box 89
Webster, WI 54893
Phone: 715-866-4295
Fax: 715-866-4206
E-mail: wagnersurveying@centurytel.net

Subject: Pleasant Acres First Addition
A Burnett County Plat
Section 30, T40N, R15W
Town of Swiss
Burnett County, WI

Dear Mr. Krause:

You have requested a waiver of the requirements of s. 236.20 (1) (a) that plats be drawn at a scale of not more than 100 feet to one inch for the above referenced County Plat.

Because of the overall size of the parcels, we agree with the 150' to 1" scale as drawn, and waive strict compliance with the scale requirement as allowed by s. 236.20 (2) (L), Stats. Boundaries, lettering, line data and other information on the plat drawing is clearly legible as shown.

If there are any questions concerning preparation of this plat, please contact our office at the number listed below.

Sincerely,

Don Sime
Plat Review
Phone: (608) 266-3200

cc: Clerk, Town of Swiss
Burnett County

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

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WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

(This form is NOT the statute. It is a guide to the statute)

SURVEYING REQUIREMENTS

s. 236.15 (1) MONUMENTS [show outside diameter of pipes]

- (ac) Monuments required by this section are placed flush with the ground.
 - Where corners fall within a street, the monuments are placed on the side line of the street where practical.
- (ag) External boundaries of the subdivision shall be monumented by 2.375" O.D x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft.
 - Common permitted equivalents are: No. 10 rebar, 1-1/4" round iron bar.
 - Monuments are required at all corners, the ends of curves and points where a curve changes its radius, at all angle points of the external boundary line and at all angle points along a meander line.
 - Monuments set along meander lines must be set back 20' or more from the top of bank or ordinary high water mark.
- (b) Internal boundaries shall be monumented by 2.375" O.D. x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft.
 - Common permitted equivalents are: No. 10 rebar, 1-1/4" round iron bar.
 - Monuments are required at all block corners, the end of curves and points where a curve changes its radius, all angle points along public street right-of-ways and at all angle points along a meander line.
 - Monuments set along meander lines must be set back 20' or more from the top of bank or ordinary high water mark.
 - Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters.
- (c) All other lot, outlot, park and public dedication corners not monumented as above shall be monumented by 1" O.D. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft.
 - Common permitted equivalents are: No. 6 rebar, 3/4" round iron bar.
- (d) Lot, outlot, park and public dedication boundaries that intersect meander lines shall be monumented at the intersection by 1" O.D. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft.
 - Common permitted equivalents are: No. 6 rebar, 3/4" round iron bar.
 - Monuments must be set back 20' or more from the top of bank or ordinary high water mark.
- (f) In lieu of par. (c) and (d) above, any durable metal, stone or concrete monuments may be used if they are uniform throughout the plat and have a permanent magnet embedded near top of the monument.

NOTE: Existing monuments found and accepted as archival should not be replaced to comply with the requirements of this section.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.15 (1) MONUMENTS (continued)

- (g) Plat Review may waive strict adherence to the requirements of (a), (b), (c) and (d) above provided:
 - The Surveyor submits a written waiver request that describes conditions that prevent adherence to the monumentation requirements.
 - The request must outline an alternative to the monumentation requirements.
 - The alternate monumentation must provide for accurate retracement.
 - Plat Review commonly grants waiver requests for:
 - Corners occupied by trees or buildings; Corners that fall in wetlands, bedrock, concrete sidewalks and drives.
 - Common alternate monumentation: Offset monuments on line, witness monuments, chiseled marks (X) in concrete or bedrock.
 - Plat Review may make other reasonable monumentation requirements to accommodate unusual circumstances.

- (h) The primary approving authority may temporarily waive placing of interior monuments under par. (b), (c), and (d). A surety bond will be required.

A-E 7.05 (4) PARCEL LOCATION

- Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed. (Including monuments from adjoiners and section split.)

s. 236.15 (2) ACCURACY OF SURVEY

- The ratio of error in latitude and departure closure of any part of the survey shall not exceed 1/3000'.
 - The survey shall be performed by a Wisconsin Professional Land Surveyor.

A-E 7.03 RESEARCH

- Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and centerline and other boundary line locations...

s. 236.16 LAYOUT REQUIREMENTS

- (1) MINIMUM LOT WIDTH AND AREA
 - In counties of 40,000 or more, lots shall have a min. average width of 50' and a min. area of 6,000 sq. ft.
 - In counties of less than 40,000 lots shall have a min. average width of 60' and a min. area of 7,200 sq. ft.
 - Lot width and area may be reduced by local authority IF:
 - The Municipality or Town or County has enacted a subdivision control ordinance under [s. 236.45](#).
 - The ordinance specifically allows for reduced width and area, allows developments (such as PUD's, Cluster, Conservancy Districts, etc.) that incorporate reduced lot width and area, or permits waiving the above requirements.
 - The lots are served by public sewer.
 - Plat review must be provided with verification that local ordinance allows for reduced lot widths and areas (copy of ordinance, or letter from approving authority that cites ordinance).

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.16 LAYOUT REQUIREMENTS (continued)

- (2) MINIMUM STREET WIDTH
 - If the width is specified on a Master Plan or Official Map, the streets within the subdivision must be the width specified in the map or plan.
 - If there is no Official Map or Master Plan, the streets within the subdivision must be at least as great as existing connecting streets but no less than 60' wide unless permitted by local ordinance.
 - Plat review must be provided with verification that local ordinance allows for reduced street widths (copy of ordinance, or letter from approving authority that cites ordinance).
 - Town road widths shall comply with minimum standards prescribed by s. 82.50.
 - The Town board may request from Department of Transportation a waiver of the minimum standards; Plat review must be provided with verification that said waiver has been granted prior to our certification of any plat containing non standard town roads.
 - Frontage and service roads may not be less than 49.5' in width.
 - Partial street dedications along a subdivision boundary may be less than 60' wide, provided a restriction is placed within the partial street that specifies the width of the full dedication (e.g. "Future 60' public street").
 - Partial street dedications less than 60' wide to the centerline of an existing street are permitted.

- (3) LAKE OR STREAM SHORE PLATS.
 - A subdivision must provide a 60' wide public access at 1/2 mile intervals, as measured along the shore, to all navigable lakes and streams (i.e. no part of the subdivision along the shore may be more than 1/2 mile from a public access point).
 - The public access must be to the low water mark and connected to a public road.
 - The access must be dedicated to the public (easements, connections to private roads do not satisfy the requirements of this section).
 - A subdivision may forego providing access if there is existing access that complies with the above requirements.
 - A subdivision may forego providing access if there is existing access greater than 60' wide at more than a 1/2 mile interval as agreed upon by the DNR and Plat Review.
 - Public access can only be vacated by circuit court action and DNR approval.

- (4) LAKE OR STREAM SHORE PLATS.
 - If the subdivider has any interest in the land between the meander line and the water's edge or in lands between the subdivision and the water's edge, such lands must be included in the plat or must be otherwise plattable.
 - Lands of the subdivider cannot be excluded from a plat to circumvent the requirements of (3), above.

s. 236.20 (1) GENERAL REQUIREMENTS

- (a) Plats shall be prepared with a 1" binding margin on all sides; Drawing area is 20" x 28".
- Plats will be drawn at a graphic scale not over 100' to 1" on each sheet showing layout features.
 - A graphic scale greater than 100' to 1" may be used IF:
 - The Surveyor submits a written scale waiver request.
 - All data is legible and clearly presented.
 - Plat Review may require detail drawings or other features to ensure the legibility of the plat.
- All sheets must be numbered as sheet ____ of ____ sheets, if more than one sheet.
- The subdivision and county name must appear on each sheet.
- (b) The drawing submitted for review may be on any material capable of clearly legible reproduction; The recordable document shall be durable white media, 22" wide x 30" long, with a nonfading black image.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (2) MAP AND ENGINEERING INFORMATION

There following information must be legibly shown:

- (a) All exterior boundaries.
- (b) All monuments, corners and other points established in the field (Lot, outlot and meander corners need not be shown).
 - A description of the monuments, including the type of material, the size or diameter (outside diameter for pipe monuments); The length and weight per linear foot of set pipe or bar monuments.
 - Monuments must be described as found (existing) or set (placed) per [A-E 7.05 \(4\)](#).
 - Monument symbols shown in a LEGEND must match the corresponding symbol on the drawing (size, lineweight, etc.)
- (c) The exact length and bearing of all exterior boundaries, blocks, public grounds, streets, alleys, and lot lines. (Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters.)
 - A tier or row of lots with parallel lines or equidistant lengths may show only the outer bearings and/or lengths; The interior bearings and/or lengths may be represented by "ditto" marks.
 - Incremental lengths shown along a common line must sum to the total line length shown.
 - Incremental lengths shown on either side of a common line must sum the same.
 - Easements must be described by boundary or center line distance and bearing and widths, or by widths when parallel to other survey lines.
 - Easements that do not parallel other survey lines must be tied by bearing and distance to an adjacent monumented corner.
 - Easements or restrictions created by the plat must be field retraceable as shown by the plat.
 - Existing easements or restrictions affecting the subdivision must be described as above, or by reference to the record document.
 - Easements or restrictions shown affecting lands beyond the subdivision boundary must be marked "existing" or "by other instrument".
 - Previously recorded bearings and lengths must be shown "Recorded as _____".
- (d) Blocks, if designated, must be consecutively numbered or lettered in alphabetical order.
 - Lot numbering may start with "1" within each *designated* block.
- (e) Lots and outlots must be consecutively *numbered* within each block **and** throughout the subdivision **and** throughout numbered additions to a subdivision where blocks are not designated.
 - Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters. (A block exists even if it is not designated as a block per (d), above.)
 - Outlot numbering should follow the lot numbering pattern (i.e. lowest numbered outlot should be in the same block with lowest numbered lot) throughout the subdivision.
 - Lots and outlots may not extend across navigable waters (see 66 OAG 2 (1977)).
- (f) The Exact width of all easements, streets, alleys.
- (g) Lengths and bearings of all meander lines, with distances between intersections of meander lines and lot lines and ordinary high water mark.
 - Monuments must be set back 20' or more from the top of bank or ordinary high water mark.
- (h) The center line of all streets included within the plat.
 - The center lines need not be dimensioned unless required by local ordinance.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (2) MAP AND ENGINEERING INFORMATION (continued)

- (i) The North point properly oriented; Bearings referenced to an identifiable direction (assumed, recorded, coordinates, etc.) and related to a boundary line of a quarter section, government lot, private claim or federal reservation in which the subdivision lies. (e.g. "The north line of the NE 1/4 Sec. 3, T14N, R23 E, assumed N 89d 15' 23" E".)
 - Bearings referenced to state plane coordinates must identify the datum on which the coordinates are based.
 - Bearings referenced only to "County coordinates", "recorded subdivision plat" or similar do not meet the requirements of this section.

- (j) The lot and outlot area in square feet.
 - Meandered parcels must show approximate total area, and may also show area to meander line.

- (k) **CURVES**
 - Main curve chords drawn as dotted or dashed lines.
 - Both tangent bearings must be shown for all non-tangent main curves, either on drawing or in curve table. (Lines into and out of a curve are assumed tangent unless shown otherwise.)
 - Arc length, chord bearing and length, radius, and central angle shown for main and sub (lot) curves.
 - Data may be shown on the drawing, in a curve table, or a combination of both.
 - Tangent bearings of sub (lot) curves need not be shown.
 - Curves with a radius less than 30' must be tangent to street right-of-way lines; Only the radius and tangent length need be shown.

- (l) Strict compliance with the requirements of this section may be waived by Plat Review.

s. 236.20 (3) SUBDIVISION NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY

- (a) Immediately under the plat name, show location of subdivision by government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county. (Note: private claims are land grants existing prior to the USPLS surveys.)
 - If the subdivision contains all or part of a recorded plat or CSM, or vacated portion thereof, reference to such plat, CSM, or vacation should be included in the location description.

- (b) The subdivision must be tied by bearing(s) and length(s) to a boundary line of a 1/4 section, private claim, government lot or Federal Reservation in which the subdivision lies; The monuments at the ends of the line must be described by material, size, etc; The bearing and distance between those monuments must be shown.
 - Plat review may accept ties to other established monuments if 1/4 section, p.c., gov't lot or reservation monuments **can not** be recovered.

- (c) A small drawing showing the location of the subdivision by complete 1/4 section(s), gov't lot(s) or private claim(s), oriented same as main drawing.
 - Plat Review may accept drawing that shows the location of the subdivision in relation to existing streets in lieu of above.
 - The location drawing need not be to scale.

- (d) The names of adjoining streets, state or county highways, subdivisions drawn in their proper location, underscored by dotted or dashed lines.
 - Adjoining unplatted lands must be so labeled, and underscored by dotted or dashed lines

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (3) SUBDIVISION NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY (continued)

- (e) Adjoining street and state or county highway right-of-way widths and boundaries must be drawn with dotted or dashed lines in their proper location.
 - Adjoining right-of-way widths that vary may be so marked; The minimum width adjoining the subdivision should then be shown.
 - The boundaries of large width right-of-ways (such as Interstate Highways) need not be shown to scale.

s. 236.20 (4) ROADS AND PUBLIC SPACES

- (a) The name of each road and street within the subdivision.
 - Unnamed public streets must be marked "public street" or "public road".
 - Right-of-way islands shown as separate parcels must be labeled as outlots and dimensioned on the plat drawing.
- (b) ALL Lands dedicated to the public, including streets, roads, alleys, parks, trails, access to waters, greenspace, etc. must be clearly marked "Dedicated to Public" on the drawing.
 - The use of the dedicated land should be shown (e.g. "Dedicated to the public for park")
- (c) All roads **not** dedicated to the public must be clearly marked "Private Road", "Private Street", or "Private Way" on the drawing.
 - Private roads, streets, or ways must be further labeled as outlots on the plat drawing.
- (d) Each lot must have direct access to a public street, unless otherwise provided for by local ordinance.
 - If access to a public street is via easement or private road or drive, Plat Review must be provided with verification that local ordinance allows for such access (copy of ordinance, or letter from approving authority that cites ordinance).

s. 236.20 (5) SITE CONDITIONS AND TOPOGRAPHY

- (a) All existing buildings must be shown (drawn with dashed or dotted lines) and identified.
- (b) Show and identify all navigable watercourses, intermittent streams and drainage ditches, wetlands, overhead utility towers, quarries, and other pertinent features.
- (c) Water elevations of adjoining or included navigable lakes and streams at date of survey, and the approximate high water elevation, must be shown and referenced to a permanently established datum plane.

s. 236.20 (6) PUBLIC TRUST INFORMATION

- The following statement must be added to all plats of subdivision that include or are bounded by navigable waters:
 - “Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution”.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.025 ORDINARY HIGH WATER MARKS (OHWM)

- (1) An OHWM shown on the plat may be established by the department of natural resources or otherwise determined pursuant to law, or may be approximated by the Professional Land Surveyor.

-If the mark is approximated, it must be the point on the bank of a navigable stream or on the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics. If the approximate location of the ordinary high water mark is difficult to determine, a professional land surveyor may consider other points on the bank or shore for purposes of approximating the location of the ordinary high water mark.

- A plat that shows an approximate ordinary high water mark shall state on its face that the mark is shown for reference only.

A-E 7.08 U.S. PUBLIC LAND SURVEY MONUMENT RECORD.

- (1) A U.S. public survey monument shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,
- (a) There is no U.S. public land survey monument record for the corner on file with the county surveyor; or
- (b) The land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record file with the county surveyor's office; or
- (c) The witness ties or U.S. public survey monument referenced in an existing U.S. public survey monument record have been destroyed or disturbed.

s. 236.21 (1) PROFESSIONAL LAND SURVEYOR'S CERTIFICATE:

The Professional Land Surveyor's Certificate must state:

- (a) Who directed the Professional Land Surveyor to make the survey, subdivision and plat.
- (b) A clear, concise description of the subdivision location, by government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county.
-A metes and bounds description is required for all previously unplatted lands, commencing with a USPLS corner of the 1/4 section (not center of section), recorded private claim, or Federal Reservation in which the subdivision lies. (Note: private claims are land grants existing prior to the USPLS surveys.)
-A subdivision plat that contains only a lot or lots, an outlot or outlots, or a designated block within a recorded subdivision or Certified Survey Map that has been previously tied to the USPLS, in their entirety, or a recorded subdivision in its entirety, must be described by reference to said lot(s), outlot(s), block(s), subdivision, or CSM number; a metes and bounds description is not required.
- (c) That the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
- (d) That the Professional Land Surveyor has fully complied with the provisions of Chapter 236.
-The certificate must be signed and dated.
-All sheets of the plat must be signed, dated, and sealed by the Professional Land Surveyor who prepared or directed the preparation of the plat.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

- [A-E 7.04](#) The description shall contain necessary ties to adjoiners

[s. 236.21 \(2\)](#) OWNER'S CERTIFICATE

- An owner's certificate must be shown on the plat, in substantially the following form:
"As owner(s), I (we) hereby certify that I (we) caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I (we) also certify that this plat is required by [s. 236.10](#) or [s. 236.12](#) to be submitted to the following for approval or objection: (list of governing bodies required to approve or allowed to object to this plat)."
-The certificate shall be notarized in accordance with [s. 706.07](#).
-Language within the owner's certificate may be modified to accommodate various types of ownership (Corporate owners, partnerships, LLP/LLC, trusts, etc.); however, the basic format remains the same.
-Any party having interest in the lands being subdivided (land contract vendor/vendees, trustees, lessors, etc.) must be included in the owner's certificate.
- Lands being subdivided that are subject to a mortgage, must include a mortgagee certificate of consent on the plat.

[s. 236.21 \(2\) \(a\)](#) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

- (a) If a subdivision in a Town is within 3 miles of a 1st, 2nd, or 3rd class city, or within 1-1/2 miles of a fourth class city or a village, and if the city or village has enacted an official map, master plan, or subdivision control ordinance, the city or village has extraterritorial plat approval jurisdiction over the subdivision and the appropriate approval certificate must be placed on the plat.
-A municipality may waive all or a portion of its extraterritorial plat approval jurisdiction by a resolution recorded with the register of deeds (e.g. boundary agreement.)

[s. 236.21 \(3\)](#) TOWN, MUNICIPAL, AND COUNTY TREASURER'S CERTIFICATES

- Treasurer's Certificates for the primary approving authority (Town, City, or Village in which the plat is located – not the extraterritorial plat approval authority) and the County must be shown on the plat, similar to the following basic form:

Certificate of (Village, Town, County) Treasurer

STATE OF WISCONSIN
_____ COUNTY)^{SS}

I, _____, being the duly elected (appointed), qualified and acting treasurer of the (Village, Town, County) of _____, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments as of _____, 2005 affecting the lands included in this plat.

(Date)

Treasurer

-The certificates may be combined, with separate signature lines for each Treasurer.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

APPROVAL CERTIFICATES

- The following Approval Certificates are required on the plat:

Subdivision Location:

Town
Town, within extraterritorial approval jurisdiction of municipality
Village or City
Village in Brown County

Approval Certificate(s):

Town, County
Town, County, municipality
Village or City
Village, County

-Additional approvals may be required by local government (plan commissions, etc), but do not replace those shown above.

-Approval authorities must be listed in the owner's certificate.

-Approval certificates should be in the format required by the approval authorities.

MISCELLANEOUS

-A 2-1/4" x 4" clear space must be provided on each sheet for the certificate of no objection stamp that Plat Review is required to place on the plat. (The stamp can be imported into the drawing from the Plat Review web site.)

Objecting agencies that must be shown in the owner's certificate:

All plats with state review
All plats with state review adjoining a state hwy
Plats in Village or City in County with objecting authority
Plats in Village or City in County with objecting authority, adjoining state hwy

Objecting Agencies:

DOA
DOA, DOT
DOA, CPA
DOA, DOT, CPA

DOA = Department of Administration DOT = Department of Transportation

CPA = County Planning Agency with objecting authority in municipalities

COUNTIES WITH OBJECTING AUTHORITY IN MUNICIPALITIES

Brown County Planning Commission (objecting in cities only, approving in villages)

Calumet County Planning and Zoning Committee

Dane County Zoning & Natural Resources Committee

Dodge County Planning & Development Department

Door County Planning Department

Fond du Lac County Planning Agency

Jefferson County Planning & Zoning Department

Juneau County Zoning Administrator (except city of Mauston)

Manitowoc County Planning & Park Commission

Milwaukee County Department of Public Works

Oconto County Planning & Zoning Committee

Racine County Planning & Development

Rock County Planning & Development Agency

St. Croix County Zoning Office

Sheboygan County Planning & Resources Department (except City of Sheboygan)

Washington County Planning & Parks Commission

Waukesha County Parks & Land Use Department

Winnebago County Planning & Zoning Committee

NOTE: This checklist is a broad guide to platting requirements, and is not meant to cover all requirements. Please contact Plat Review to discuss unusual circumstances or any other platting issues.

Surveying, Layout, & Technical Mapping Requirements for Plats & CSM's

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Certificates

A wide variety of certificates are used on subdivision plats. The examples in this section are for general use, and may not cover all circumstances. Plat Review recommends that you consult with local review agencies to determine if specific certificate language is required.

All subdivision plats require:

- Surveyor's Certificate;
- Owner's Certificate, duly notarized;
- Approval Certificate*;
- Treasurer's Certificates (municipal and county).

*Note: Plat approval may be delegated to a planning committee or commission; however, if public dedications are included, the governing body of the Town, Village, or City in which the subdivision lies must execute an approval certificate. (ref: s. 236.10 (3), Wis. Stats.)

In addition, subdivision plats may include, among others:

- Mortgagee or Vendor Certificate, duly notarized;
- County Approval Certificate;
- Extraterritorial Plat Approval Certificate;
- Multiple Owner's Certificates;
- Corporate or Municipal Owner's Certificate;
- Planning Agency Certificate;
- County Highway Acceptance Certificate;
- Grant or Release of Easement/Restriction Certificate.

Certificates

The following list shows approval certificate requirements for specific review circumstances; local units of government may have additional certificate requirements.

1) Subdivision is in a Town, NOT abutting a State Highway, NOT WITHIN a Village or City E.T. (extra-territorial plat approval jurisdiction)

-The review authorities listed in Owner's Certificate(s) are:

- Town
- Department of Administration
- County Planning Agency

-The Approval Certificates required on the plat are:

- Town
- County Planning Agency

2) Subdivision is in a Town, NOT abutting a State Highway, WITHIN a Village or City E.T.

-The Review authorities listed in Owner's Certificate(s) are:

- Town
- Village or City with E.T.
- Department of Administration
- County Planning Agency

-The Approval Certificates required on plat are:

- Town
- Village or City with E.T.
- County Planning Agency

3) Subdivision is in a Town, ABUTTING a State Highway, NOT within a Village or City E.T.

-The review authorities listed in Owner's Certificate(s) are:

- Town
- Department of Administration
- Department of Transportation
- County Planning Agency

-The Approval Certificates required on plat are:

- Town
- County Planning Agency

Certificates

The following list shows approval certificate requirements for specific review circumstances; local units of government may have additional certificate requirements.

4) Subdivision is in a Town, ABUTTING a State Highway, WITHIN a Village or City E.T.

-The review authorities listed in Owner's Certificate(s) are:

- Town
- Village or City with E.T
- Department of Administration
- Department of Transportation
- County Planning Agency

-The Approval Certificates required on plat are:

- Town
- County Planning Agency
- Village or City with E.T.

5) Subdivision is in a City or Village in a county WITHOUT objecting authority, NOT abutting a State Highway.

-The review authorities listed in Owner's Certificate(s) are:

- City or Village
- Department of Administration

-The Approval Certificates required on plat are:

- City or Village

6) Subdivision is in a City or Village in a county WITHOUT objecting authority, ABUTTING a State Highway.

-The review authorities listed in Owner's Certificate(s) are:

- City or Village
- Department of Administration
- Department of Transportation

-The Approval Certificates required on plat are:

- City or Village

Certificates

The following list shows approval certificate requirements for specific review circumstances; local units of government may have additional certificate requirements.

7) Subdivision is in a City or Village in a county WITH objecting authority, NOT abutting a State Highway.

-The review authorities listed in Owner's Certificate(s) are:

- City or Village
- Department of Administration
- County Planning Agency

-The Approval Certificates required on plat are:

- City or Village

8) Subdivision is in a City or Village in a county WITH objecting authority, ABUTTING a State Highway.

-The review authorities listed in Owner's Certificate(s) are:

- City or Village
- Department of Administration
- Department of Transportation
- County Planning Agency

-The Approval Certificates required on plat are:

- City or Village

Note: Some counties with objecting authority have exceptions; see list in the *Plat Review Process* section of this manual.

Note: E.T. = Extraterritorial plat approval jurisdiction as defined in s. 63.02 (5), Wis. Stats.

Certificates

Surveyor's Certificate (Example A)

I, (Surveyor's Name) , professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the (City) (Village) (Town) (County) of (Name) , and under the direction of (Name)¹ , I have surveyed, divided and mapped (Name of the Plat) ; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in the 1/4, 1/4² Sec.?, Town?N, Range??, (City) (Village) (Town) of (Name) , (Name) , County, Wisconsin, containing (# acres of land and described as follows: *(Metes and bounds description)³*

Dated this _____ day of (month), (yr.). (Surveyor's Signature)

Revised this _____ day of (month), (yr.)⁴.

PLS No. _____
Seal

¹ It is necessary to show only the name of the party who ordered the survey and plat. If several owners joined in ordering the survey and plat, this certificate may be amended as follows "...under the direction of the owners listed below....".

² Show 1/4, 1/4 Section, Government Lot number or private claim number.

³ A complete metes and bounds description must be included unless the land is located within a recorded Ch. 236 subdivision, addition or C.S.M. The land must then be described by the lot number and the name of the recorded subdivision or Lot #, C.S.M. #, Volume #, Page# not by metes and bounds.

⁴ To be provided each time the plat is altered after the Surveyor's Certificate is signed, sealed and dated.

Certificates

Surveyor's Certificate

(Example B)

I, (Surveyor's Name), professional land surveyor, hereby certify:

That I have surveyed, divided and mapped (Name of the Plat), located in the 1/4, 1/4, Sec?, Town ?N, Range ??² (City) (Village) (Town) of (Name), County of (Name) and State of Wisconsin.

That I have made such survey, land-division and plat by the direction of (Name)¹, containing (#) acres and described as follows: (Metes and bounds description)³

That such plat is a correct representation of all of the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the (City) (Village) (Town) (County) of (Name), in surveying, dividing, and mapping the same.

Dated this _____ day of (month), (yr.). _____ (Surveyor's Signature)

Revised this _____ day of (month), (yr.)⁴.

PLS No. _____

Seal

¹ It is necessary to show only the name of the party who ordered the survey and plat. If several owners joined in ordering the survey and plat, this certificate may be amended as follows "...under the direction of the owners listed below....".

² Show 1/4, 1/4 Section, Government Lot number or private claim number.

³ A complete metes and bounds description must be included unless the land is located within a recorded Ch. 236 subdivision, , addition or C.S.M. The land must then be described by the lot number and the name of the recorded subdivision or Lot #, C.S.M. #, Volume #, Page# not by metes and bounds.

⁴ To be provided each time the plat is altered after the Surveyor's Certificate is signed, sealed and dated

Certificates

Owner's Certificate of Dedication

As owner(s), I (we) hereby certify that I (we) caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I (we) also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: (list of governing bodies required to approve or who may object to the plat).

WITNESS the hand and seal of said owner(s) this _____ day of _____, 20____.

In presence of:

(Seal)

Owner's Name

(Seal)

Owner's Name

(Owner's Notary Certificate)

STATE OF WISCONSIN)
_____ COUNTY) ^{SS}

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____
Notary Public, _____,
Wisconsin

My commission expires _____.

Certificates

Land Contract Vendor Certificate

The "**Land Contract Vendor Certificate**" shall be identified as an "Owner's Certificate." Statute 236.21 (2) (a) provides for no alternatives. The land contract vendor and vendee should be clearly identified and each should sign the Owner's Certificate. They should not be shown in separate certificates. The following illustrates the usual format:

Owner's Certificate of Dedication

As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. We also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: (list of governing bodies required to approve or who may object to the plat)

WITNESS the hand and seal of said owners this _____ day of _____, 20____.

In presence of:

Land Contract Vendor

_____ (Seal)

Owner's Name

Land Contract Vendee

_____ (Seal)

Owner's Name

(Land Contract Notary Certificate)

STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the persons who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____ Notary Public,
_____, Wisconsin

My commission expires _____.

Certificates

Consent of Personal Mortgagee Certificate

I, _____, mortgagee of the above described land, do hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and I do hereby consent to the above certificate of _____, owner.

WITNESS the hand and seal of _____, mortgagee, this _____ day of _____, 20____.

In the presence of:

(Seal)
Mortgagee

(Personal Mortgagee Notary Certificate)

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

(Notary Seal)

Notary Public, _____, Wisconsin

My commission expires _____.

Certificates

Consent of Corporate Mortgagee

_____ (*Corporate Name*) _____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat, and does hereby consent to the above certificate of _____, owner.

IN WITNESS WHEREOF, the said _____ (*corporate name*) has caused these presents to be signed by _____, its President, and countersigned by _____, its Secretary (cashier), at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 20____.

In the presence of:

_____ (Corporate Seal)

Corporate Name

President Date

Secretary or Cashier Date

(Corporate Mortgagee Notary Certificate)

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, _____, President, and _____, Secretary (cashier) of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____ Notary Public,
_____, Wisconsin

My commission expires _____.

Certificates

County Board or Planning Agency Approval Certificate

Resolved, that the plat of _____
in the Town of _____,
_____, owner, is hereby approved by the
(County Board) (County Zoning Administrator/Planning Agent).

Date _____

Approved _____
(County Board Chair) (County Zoning Administrator/Planning Agent)

(Clerk's Certificate if required by County Board)

I hereby certify that the foregoing is a copy of a resolution adopted
by the (County Board) of the County of _____.

County Clerk

Date

Certificates

(Common Council) (Village Board) (Town Board) Approval Certificate

Resolved, that the plat of _____
in the (city) (village) (town) of _____,
_____, owner, is hereby approved by the
(common council) (village board) (town board).

Date _____

Approved _____
(Mayor) (Village President) (Town Chair)

Date _____

Signed _____
(Mayor) (Village President) (Town Chair)

(Clerk's Certificate, if required)

I hereby certify that the foregoing is a copy of a resolution adopted
by the (common council)(village board)(town board) of the
(city)(village)(town) of _____.
_____(City) (Village) (Town) Clerk

(Optional Clerk's Certificate, if required)

STATE OF WISCONSIN)
_____ COUNTY)SS

I, _____, being the duly elected,
qualified and acting clerk of the (City) (Village) (Town) of
_____, (County) do hereby certify that the
(common council)(village board)(town board) of the (City) (Village)
(Town) of _____ passed Resolution Number
_____ on (Date), authorizing me to issue a certificate
of approval of the final plat of (Plat Name), (owner), upon satisfaction
of certain conditions, and I do hereby certify that all conditions were
satisfied and the APPROVAL WAS GRANTED AND EFFECTIVE
ON THE _____ day of _____, 20_____.

Dated _____

Clerk _____

Certificates

Certificate of (City) (Village) (Town) Treasurer

STATE OF WISCONSIN)
_____ COUNTY) SS

I, _____, being the duly (elected) (appointed) qualified and acting (city) (village) (town) treasurer of the (city) (village) (town) of _____, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of _____ (date) _____ on any of the land included in the plat of _____.

(Date) (City) (Village) (Town) Treasurer

County Treasurer's Certificate

STATE OF WISCONSIN)
_____ COUNTY) SS

I, _____, being the duly elected, qualified and acting treasurer of the county of _____, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of _____ (date) _____ affecting the lands included in the plat of _____.

(Date) Treasurer

Certificates

These restrictions are generally required by the Department of Transportation on plats that abut State or Federal highways.

Access Restriction Clause

"All lots and blocks are hereby restricted so that no owner, possessor, user, licensee or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of (U.S.H.) (I.H.)(S.T.H.) _____ or _____ Street; it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s. 236.293, Stats., and shall be enforceable by the department or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable."

Highway Setback Restriction

"No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department."

Noise Notation

"The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table I. These levels are based on federal standards. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."

Certificates

MISCELLANEOUS RESTRICTION LANGUAGE

Vision Corner Restriction

"No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height."

Temporary Connection Restriction

"The temporary connection(s) shown on this plat shall be used under a temporary connection permit which may be canceled at such time as a feasible alternate means of access to a highway is provided."

Outlot Restriction

The construction of buildings for human habitation or the installation of soil absorption systems on the outlots in this plat is prohibited.

Mound Restriction

(All lots) or (Lots ___ thru ___) are restricted to the use of mound type private onsite wastewater treatment systems only.

Combined Conveyance Restriction

The following parcels are consolidated for all purposes, including those of assessment, taxation, and conveyance:

- Lot 173 is combined with outlot 1;
- Lot 174 is combined with outlot 2;
- Lot 175 is combined with outlot 3; and
- Lot 176 is combined with outlot 4.

Utility Easement Restriction

Utility easements set forth herein are for the use of public bodies and private public utilities having the right to serve this subdivision.

No utility pole, pedestal or cable shall be placed so as to disturb any survey monument or obstruct vision along any lot or street line. The unauthorized disturbance of a survey monument is a violation of s.236.32 of Wisconsin Statutes.

Certificates

Easement/Restriction Release by Approval Authority

The following may be added to an Approval Certificate to release an easement/restriction with a plat:

By approval of this plat, the (Town/Village/City) of _____ hereby releases its rights to the _____ easement over part of Lot 4, as described in Vol. 999 (Deeds), P. 99, and as also shown on Lot 5, (plat name). The (Town/Village/City) of _____ also releases its rights to a sanitary sewer easement over part of Lots 1 and 2, as described in Volume 999, P. 999.

IN WITNESS WHEREOF, the said (Town/Village/City) of _____ has caused these presents to be signed by _____, it's Mayor, and _____, its City Clerk, at _____, Wisconsin on this ____ day of _____, _____.

County Acceptance of Highway Certificate

Counties are not approval agencies within Cities and Villages; Ch. 236 does not provide a means for acceptance by the County of dedicated county highways within a City or Village (ref: s. 236.29).

The following language has been used by several Counties to accept the dedication of a county highway within a City or Village. We suggest that you contact your County to verify that this language is acceptable.

(County name) County Highway Acceptance Certificate:

Resolved, that the County Highway being dedicated to the public as shown on this plat of _____ in the (Village/City) of _____, (owner's name) owner, is hereby approved and accepted by action of the (County name) County board.

Date _____ Approved _____

Date _____ Signed _____

Certificates

Assessor's Plat Approval Certificate

Resolved, that the Assessor's Plat _____
in the (city) (village) (town) of _____, Having been
ordered by the (common council) (village board) (town board) and all
notices required by s. 70.27 Wis. Stats. having been sent, and said
plat having been on file in the office of the (city) (village) (town) Clerk
for 30 days, and no suit for correction of said plat having been
commenced, (plat name) _____, is hereby
approved by the (common council) (village board) (town board).

Date _____

Approved _____
(Mayor) (Village President) (Town Chair)

Date _____

Signed _____
(Mayor) (Village President) (Town Chair)

(Clerk's Certificate, if required)

I hereby certify that the foregoing is a copy of a resolution adopted
by the (common council)(village board)(town board) of the
(city)(village)(town) of _____.
_____(City) (Village) (Town) Clerk

(Optional Clerk's Certificate, if required)

STATE OF WISCONSIN)
_____ COUNTY)SS

I, _____, being the duly elected,
qualified and acting clerk of the (City) (Village) (Town) of
_____, (County) do hereby certify that the
(common council)(village board)(town board) of the (City) (Village)
(Town) of _____ passed Resolution Number
_____ on (Date), authorizing me to issue a certificate of
approval of the Assessor's Plat (Plat Name), upon satisfaction of
certain conditions, and I do hereby certify that all conditions were
satisfied and the APPROVAL WAS GRANTED AND EFFECTIVE
ON THE _____ day of _____, 20_____.

Dated _____

Clerk _____

Certificates

Consent of Interest Holder's Certificate

This certificate is used when a person or entity has an interest in lands being platted, but does not have title to the land. In this example, outlots of an existing subdivision in which the lot owners of the subdivision have an undivided interest are being re-divided, so the lot owners must consent to the re-division.

CONSENT OF INTEREST HOLDER'S CERTIFICATE

As owner of Lot 16 of Northport Commons, a subdivision plat of record, and holding an undivided fractional interest in outlots 2, 3, and 5 of said subdivision, I hereby consent to the surveying, dividing, mapping, and dedication of said outlots as represented on this plat. I also consent to the certificate of Northport Commons, LLC, as owner of said lands.

WITNESS the hand and seal of said owner this _____ day of _____, 20____.

In the presence of: _____

Owner's Name (Seal)

Owner's Name (Seal)

(Owner's Notary Certificate)

STATE OF WISCONSIN)
_____ COUNTY) ^{SS}

Personally came before me this _____ day of _____, 20____, the above named _____ to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____
Notary Public, _____,
Wisconsin

My commission expires _____.

Example Plats

Preliminary Plat of YOKUM COVE

These example plat sections outline procedures and provide examples related to many common platting elements.

Features included within this section and discussed with this plat: *when and how a preliminary plat is submitted, minimum lot width, minimum street width, access to public streets, public access to navigable lakes and streams, subdivision names, block and lot numbering, site conditions and topography.*

A preliminary plat must be submitted to Plat Review when mandated by local ordinance.

When a local ordinance does not mandate a preliminary plat, the subdivider has the option of submitting one. Our experience shows that there are several circumstances when preliminary plat review is especially beneficial:

- If the proposed subdivision will require waiving minimum standards for lots, streets or roads based upon provisions of local ordinances.
- If the proposed subdivision abuts a navigable lake or stream.
- If the proposed subdivision abuts a state trunk or interstate highway.
- If the proposed subdivision is a "numbered addition" within an extensive development.

s. 236.11 (1) (a),
Wis. Stats.

Using a preliminary plat will identify potential problems early in the development process. Resolving problems at the earliest stage should save everyone time and money.

Preliminary plats can be submitted on multiple sheets. For cluttered drawings, show the subdivision layout on one sheet and additional information on a second sheet.

We do not review for site conditions (contours, slope delineation, flood plains, soil types, etc.), grading, drainage, road, or sewer plans, etc.; please do not include this data with the plat.

Example Plats

Preliminary Plat of YOKUM COVE

MINIMUM LAYOUT REQUIREMENTS

A preliminary plat must be in sufficient detail to determine whether the final plat will meet minimum layout requirements.

Details that should be shown on a preliminary plat include:

- Approximate lot widths and areas
- Proposed street widths
- Proposed easements
- Connection to the public road system
- Existing and proposed entrances to state trunk highways
- Existing and proposed public access to navigable streams and lakes
- Watercourses, drainage ditches, wetlands
- Abutting property data (platted status, CSM or other land division data)
- Location of the plat by 1/4-1/4 section
- Existing buildings

s. 236.16 (1),
Wis. Stats.

In counties with a population of 40,000 or more, lots must have an average width of 50 feet or more and contain 6,000 square feet or more of area.

In counties with a population of less than 40,000, lots must have an average width of 60 feet or more and contain 7,200 square feet or more of area.

Minimum lot width and area requirements may be reduced by local subdivision control ordinances when lots are served by public sewer. Please include or make reference to the ordinance with the plat submittal.

Example Plats

Preliminary Plat of YOKUM COVE

s. 236.16 (2),
Wis. Stats.

MINIMUM LAYOUT REQUIREMENTS

Streets

In a city or village:

- Proposed streets must be at least 60 feet wide unless a local ordinance allows less width.
- If the city or village has a local subdivision control ordinance or "Official Map", proposed street widths must comply with the ordinance or map.
- If there is no subdivision control ordinance or "Official Map", proposed streets must be at least as wide as existing streets, but no less than 60 feet in width.

If allowed by local ordinance, partial street dedications are acceptable on the final plat. On the plat drawing, the part included within the exterior boundary of the plat must be designated as "Future (street width) Public Street."

In a town:

- Right-of-way widths of town roads must comply with the Minimum Design Standards prescribed in s. 82.50 Wis. Stats.

In general, based upon Average Daily Traffic (ADT) projections, the minimum width requirement is:

- 66 feet when 10 or more lots access the road
- 60 feet when 9 or fewer lots access the road

Example Plats

Preliminary Plat of YOKUM COVE

MINIMUM LAYOUT REQUIREMENTS

Town Roads

s. 82.50 (2), Wis. Stats.

WisDOT can grant a deviation from minimum town road standards when it is not contrary to the public interest and safety.

To obtain a deviation from town road standards:

- The town board passes a resolution authorizing the town clerk to request that WisDOT grant a variance.
- The town clerk submits the written request to the WisDOT district. (See examples in this section.)

Before Plat Review can certify the final plat, we must receive a copy of the WisDOT deviation from town road standard which has been granted.

s. 236.20 (4) (d), Wis. Stats.

Each lot must have direct access a public street or town road except where otherwise allowed by local ordinance.

When lot access is via a private road or ingress/egress easement, Plat Review must receive verification from the local approval authority that such access complies with local ordinance. (See this section for sample letter.)

On the plat:

-A private road must be designated "PRIVATE ROAD" and also as a numbered outlot.

- When right-of-way islands are shown as separate parcels, they must be designated as consecutively numbered outlots or marked "Dedicated to the Public."

Example Plats

Preliminary Plat of YOKUM COVE

MINIMUM LAYOUT REQUIREMENTS

s. 236.35, Wis. Stats.

Notification of private access

Owners selling parcels of land that abut private ways must inform the purchaser, in writing, that the private way is not a public road and is not required to be maintained by the local unit of government when:

- The parcel of land is located outside the corporate limits of a municipality; and,
- The parcel of land is 1 acre or less in area.

s. 236.16 (3), Wis. Stats.

Public access to lakes and streams

Subdivisions abutting a navigable lake or stream must provide a 60 foot wide public access, at half mile intervals as measured along the shoreline, unless there is an existing public access at least 60 feet wide, within 1/2 mile of the subdivision. This public access must extend to the low watermark and be connected to public roads.

The half mile interval for public access is measured along the shoreline from the farthest point of the plat. (No point along the shore within the subdivision may be more than 1/2 mile from public access.)

To verify compliance with this section, the shoreline distance between the plat and the nearest existing public access must be shown on the plat drawing. (See SECOND ADDITION TO YOKUM COVE.)

Existing public access can be accepted when wider access at greater shoreline intervals exists that is sufficient for that part of the navigable lake or stream.

In general, Plat Review may accept existing access when it meets the ratio of 60' of access per 1/2 mile of shoreline.

Example: An existing public access 110' in width is located 3900' +/- along the shore from the furthest point of the subdivision. The minimum required width is $60' \div 2640' \times 3900' = 89'$. Plat Review may grant a waiver, based on the existing access meeting the 60' per 1/2 mile ratio.

Example Plats

Preliminary Plat of YOKUM COVE

s. 236.16 (4),
Wis. Stats.

Lands adjacent to water

If the subdivider has any interest in lands lying between the plat and the water's edge of an adjacent navigable lake or stream and if that land is unplattable, it must be included in the subdivision plat.

TECHNICAL MAPPING REQUIREMENTS

s. 236.11 (1),
s. 236.20 (3),
Wis. Stats.

Subdivision Name

A preliminary plat must be clearly labeled "PRELIMINARY PLAT OF ...".

- The name of the subdivision must be in prominent letters.
- The subdivision name cannot duplicate any other subdivision name within the same county or municipality.

Plat Review has a record of every subdivision reviewed by the State since 1934. Please contact the Plat Review staff to verify whether your proposed subdivision name will be a duplicate in the county or municipality.

s. 236.20 (3)(a),
Wis. Stats.

On the plat sheet under the subdivision name, the description of the subdivision plat must be shown, including:

- Government Lot, Recorded Private Claim, or 1/4-1/4 Section
- 1/4 Section
- Section
- Town and Range County

In the description under the subdivision name we recommend designating the city, village, or town where the plat is located.

If the subdivision is "replatting" or "redividing" part of a recorded subdivision or certified survey map, the description should include a reference to the recorded parcel information. (Refer to the THIRD ADDITION TO YOKUM COVE which replats outlot 1 and town road from a previous addition.)

WISCONSIN PRELIMINARY SUBDIVISION PLAT CHECKLIST

(This form is NOT the statute. It is a guide to the statute)

s. 236.16 LAYOUT REQUIREMENTS

(1) MINIMUM LOT WIDTH AND AREA

- In counties of **40,000 or more**, lots shall have a minimum average width of 50' and a minimum area of 6,000 sq. ft.
- In counties of **less than 40,000** lots shall have a minimum average width of 60' and a minimum area of 7,200 sq. ft.
- Lot width and area may be reduced by subdivision control ordinance under [s.236.45](#) if lots are served by public sewers.

(2) MINIMUM STREET WIDTH

- If the width is specified on Master Plan or Official Map, the streets must be the width specified in the map or plan.
- If there is no Official Map or Master Plan, the streets must be at least as great as existing streets but no less than 60' wide unless permitted by local ordinance.
- Town road widths shall comply with minimum standards prescribed by [s. 82.50](#).
- Frontage and service roads not less than 49.5' in width.

(3) LAKE OR STREAM SHORE PLATS.

- A 60' wide public access is required at 1/2 mile intervals, as measured along shore, for navigable lakes and streams. The public access must be to the low water mark and connected to a public road.
- All subdivisions abutting a navigable lake or stream must provide public access except, where such access already exists or where greater intervals and wider access is agreed upon by the DNR and Plat Review.
- Public access can only be vacated by circuit court action and DNR approval. (see [NR 1.92](#)).

(4) LAKE OR STREAM SHORE PLATS.

- If the subdivider has any interest in the land between the meander line and the water's edge or in other unplattable lands between the subdivision and the water's edge, they must be included in the plat.

GENERAL REQUIREMENTS

s. 236.20 (2) MAP AND ENGINEERING INFORMATION

The following information must be shown:

- (d) Blocks, if designated, must be consecutively numbered or lettered in alphabetical order.
- (e) Lots and outlots in each block must be consecutively numbered.
- (f) The Exact width of all easements, streets, alleys.

s. 236.20 (3) SUBDIVISION NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY

- (a) Immediately under the plat name, show government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county.

s. 236.20 (4) ROADS AND PUBLIC SPACES

- (b) All lands dedicated to public marked "Dedicated to Public" (including roads & streets).
- (d) Each lot must have access to a public street, unless otherwise provided by local ordinance.

s. 236.20 (5) SITE CONDITIONS AND TOPOGRAPHY

- (a) All existing buildings must be shown.
- (b) Show all watercourses, drainage ditches, other pertinent features.
- (c) Water elevations of adjoining lakes or streams at date of survey, and approximate high water elevation must be shown and referenced to an established datum plane or benchmark.

DRAWING SIGNED, SEALED & DATED

Example Plats

Preliminary Plat of YOKUM COVE

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Example Plats

Final Plat of YOKUM COVE

These example plat sections outline procedures and provide examples related to many common platting elements.

Features included and discussed with this plat: *submittal procedures, monumentation, minimum lot width, accuracy of survey, block and lot numbering, easement delineation, NORTH point reference and tie, square foot areas, location sketch, adjoining streets and land, S.T.H. building setback with vision corner and access restriction, and certificates on the plat.*

s. 236.02 (12), Wis. Stats

SUBDIVISION PLAT REQUIREMENT

A subdivision plat is required any time a landowner or landowner's agent divides a lot, parcel, or tract of land for the purpose of sale or building development, where:

- The division creates five or more parcels or building sites of 1 1/2 acres each or less, or
- Successive divisions within a five year period create five or more parcels or building sites of 1 1/2 acres each or less.

Local ordinances can have a more restrictive definition of what triggers a "subdivision." Example of local ordinance subdivision definition "the division creates 3 or more building sites 5 acres each or less within a five year period." Always check with the local units of government.

Any division can be made on a subdivision plat, regardless of the parcel sizes. Divisions containing more than 4 parcels (even though they are larger than 1 1/2 acres) must be done on a state plat or by successive CSM, unless the local ordinance sets up the process and requirements for another mechanism (frequently referred to as a "County Plat").

Example Plats

Final Plat of YOKUM COVE

SUBMITTAL PROCESS

s. 236.12 (2),
Wis. Stats

The subdivider or their agent (usually the surveyor) must submit a legibly reproduceable hard copy or digital drawing of the final subdivision plat to Plat Review. Plat Review will transmit copies of the final plat to other objecting agencies as required.

After Plat Review examines the plat for compliance with ss. 236.15, 236.16, 236.20, and 236.21 (1) & (2), we will provide our review comments to the Surveyor. The Surveyor may then grant an extension of the statutory review time limits, in order to allow for any required revisions to be made to the plat and the subsequent review. This process allows for flexibility to resolve problems without Plat Review or other objecting agencies returning the plat to the surveyor with objections. If no time extension is granted, Plat Review or other objecting agencies may have to object to the plat, necessitating a formal resubmittal of the plat to Plat Review.

Example Plats

Final Plat of YOKUM COVE

LAND SURVEYOR REQUIREMENTS

The survey must be performed by a Wisconsin Professional Land Surveyor (as defined in Chapter A-E 2 Wisconsin Administrative Code, see Statutes, Rules & Opinions section).

s. 236.15 (2),
Wis. Stats

Each sheet of a plat must be signed, sealed and dated by the professional land surveyor responsible for the survey and plat. Computer generated seals are not acceptable.

Ch. A-E2, Wis. Adm. Code, provides that:

- The overall diameter of registration seals shall be not less than 1 5/8 inches or more than 2 inches;*
- Seals or stamps affixed to drawings to be filed as public documents shall be original registration seals (this must be read with s. 236.25, Stats., which specifies that seals and signatures photographically reproduced with silver haloid image have the force and effect of original seals and signatures);*
- No stickers or electronically scanned registration seals are allowed; and,*
- Seals and stamps on drawings shall be signed and dated by the professional land surveyor.*

ACCURACY OF SURVEY

The ratio of error in the latitude and departure closure of the survey of the subdivision or any part of the survey must be within 1'/3000'.

s. 236.15 (2),
Wis. Stats

Plat Review computes the latitude and departure closure of the exterior boundary; all blocks; every lot, outlot, and areas dedicated to the public within each block; and the metes and bounds description of the subdivision. The computations are performed using the boundary data exactly as annotated on the plat.

Common errors include:

- Missing Data.
- Reversed bearings.
- Transposed numbers.
- Transcription errors between the CADD file and the plat drawing.

Whenever feasible, Plat Review will include possible solutions to lot misclosures with our review comments.

Example Plats

Final Plat of YOKUM COVE

SURVEY REQUIREMENTS

Monuments

Monuments must be set at all exterior boundary, block, lot and outlot corners, curve PCs and PTs, meander corners, and at angle points in a parcel boundary line.

Exterior boundary and block corner monuments:

Minimums: Length: 18" Weight: 3.65 lbs./lin.ft.

- 2" x 18" iron pipe, 3.65 lbs/lin ft.
- 1 1/4" x 18" iron bar (or rebar), 4.17 (4.30) lbs/lin ft.
- Other equivalent types of iron or steel stakes.

Lot, outlot, park, and meander corner monuments:

Minimums: Length: 18" Weight: 1.13 lbs./lin.ft.

- 1" x 18" iron pipe, 1.13 lbs/lin ft.
- 3/4" x 18" iron bar (or rebar), 1.50 lbs/lin ft.
- Other equivalent types of iron or steel stakes.

See tables in Monumentation section for listing of permitted equivalent monuments with weights meeting minimum requirements

Meander corner monuments must be set 20 feet or more back from the ordinary high water mark of lakes or from the bank of a stream.

On the plat drawing, the distance required to be shown per s. 236.20 (2) (g), Wis. Stats., is the shortest length between the meander corner monument and the ordinary high water mark. A common mistake is showing this distance as "20'±" The monument must be set and the plat dimension shown as at least " 20' " or "20'+"

Monuments must be placed flush with the ground if possible.

When an exterior boundary corner falls within a street, the monument is set along the right-of-way line.

s. 236.15(1), Wis. Stats

s. 236.15(1)(ac), Wis. Stats

Example Plats

Final Plat of YOKUM COVE

SURVEY REQUIREMENTS

Monuments

Existing monuments that are archival and accepted as correct should not be removed and reset even if they do not comply with the standards of s.236.15 (1), Wis. Stats. They are noted as "existing" or "found" and described by type, diameter, and shape.

s. 236.15 (1) (h),
Wis. Stats

Monument Waivers

The local unit of government may grant a **temporary waiver for placing interior monuments**. The subdivider provides a surety bond to ensure that the monuments will be set within the time designated.

s. 236.15 (1) (g),
Wis. Stats.

When strict compliance with the monumentation requirements is unduly difficult, **Plat Review may make other reasonable requirements**. The alternative must be sufficient for the exact retracement of the boundaries affected.

With the final plat, the surveyor's written request for a monumentation waiver must note the specific corners involved and what has been used in lieu of the standard monument (see example Monumentation Waiver Request in Monumentation section).

Example Plats

Final Plat of YOKUM COVE

LAYOUT REQUIREMENTS

Lot Width and Area

s. 236.16 (1),
Wis. Stats

In counties with a population of 40,000 or more: Lots must have an average width of 50 feet or more and contain an area of 6,000 square feet or more.

In counties with a population of less than 40,000: Lots must have an average width of 60 feet or more and contain an area of 7,200 square feet or more.

Lot width and area may be reduced by local subdivision control ordinance for lots served by public sewer. Please include or make reference to the ordinance with the plat submittal.

Street Widths

s. 236.16 (2),
Wis. Stats

In a city or village:

- Streets must be at least 60 feet wide unless a local ordinance allows less width.
- When street widths are less than 60 feet, Plat Review must be provided with verification that such widths comply with local ordinance.
- If the city or village has a local subdivision control ordinance or "Official Map," street widths must comply with the ordinance or map.
- If there is no subdivision control ordinance or "Official Map," streets must be at least as wide as existing streets, but no less than 60 feet in width.

Partial street dedications are acceptable (example: subdivider only owns to center of existing street included in the subdivision). On the plat drawing, the part included within the exterior boundary of the subdivision must be labeled "Future (street width) Public Street."

Example Plats

Final Plat of YOKUM COVE

LAYOUT REQUIREMENTS

s. 236.16 (2),
Wis. Stats

Street Widths

In a town:

- Right-of-way widths of town roads must comply with the Minimum Design Standards prescribed in s. 82.50, Wis. Stats. (See Statutes, Rules & Opinions section.)
- In general, based upon Average Daily Traffic (ADT) projections, the minimum width requirement is:
 - 66 feet with 100 to 250 ADT
 - 49.5 feet when under 100 ADT

s. 82.50 (2), Wis.
Stats.

WisDOT can grant a deviation from minimum town road standards when it is not contrary to the public interest and safety. To obtain a deviation from town road standards:

- The town board passes a resolution authorizing the town clerk to request that WisDOT grant a variance.
- The town clerk submits the written request to the WisDOT District. (See examples in Streets section.)

Before Plat Review can certify the final plat, we must receive a copy of the WisDOT deviation from town road standard which has been granted

s. 236.20 (4)(d),
Wis. Stats

Street Access

Each lot must have direct access to a public street or town road except when otherwise allowed by local ordinance.

When lot access is via a private road or ingress/egress easement, Plat Review must receive verification from the local review authority that such access complies with local ordinance. (See Lots and Outlots section for samples.)

Example Plats

Final Plat of YOKUM COVE

LAYOUT REQUIREMENTS

s. 236.20 (4),
Wis. Stats.

Street Labeling

- The name of each street/road, or "PUBLIC STREET"/"TOWN ROAD", must be lettered or arrowed into the right-of-way included within the plat.
- Streets and roads that are not dedicated to the public must be marked "PRIVATE ROAD" or "PRIVATE STREET" and must also be designated as a consecutively numbered outlot.
- All lands, including streets and roads, that are being dedicated to the public with the plat must be marked "Dedicated to Public" on the drawing.

When right-of-way islands are shown as separate parcels, they must be designated as consecutively numbered outlots or marked "Dedicated to the Public."

MAPPING REQUIREMENTS

s. 236.20 (1) (a),
Wis. Stats.

Scale

Plats must be drawn at a scale of not more than 100 feet to one inch. Each sheet of the plat that shows layout features must include a graphic scale.

s. 236.20 (2) (L),
Wis. Stats.

Plat Review can grant a scale waiver when parcel sizes throughout the development are large, all mapping information can be legibly shown using the smaller scale, and the reduced scale benefits depicting the overall subdivision on the plat drawing.

To request a scale waiver prior to drafting the final plat:

- The surveyor submits a written request for the scale waiver noting the reasons for the waiver, along with a sketch of the plat (See Mapping Requirements for a sample request.).
- Plat Review staff will review the request and, if granted, reserves the right to require details for areas on the plat that are cluttered or illegible.

Example Plats

Final Plat of YOKUM COVE

MAPPING REQUIREMENTS

Plat Sheet Requirements

Standard requirements for all sheets of the subdivision plat:

- **The recordable sheets of the plat** are 22 inches wide by 30 inches long durable white media prepared with non-fading black image and with a 1" margin on all sides. (See Recording section for specific recordable document requirements.)

s. 236.20 (1) (a),
Wis. Stats.

s. 236.20 (1)
(b)&(c), Wis.
Stats

With the prescribed margins, the useable drawing area is 20 inches wide by 28 inches long. All data and graphics on the plat must fit within this area.

- A 2 1/2" x 4 1/2" blank space for the Plat Review certification stamp must be left on each sheet.

*A digital version of our certification stamp to place on your drawing (.dwg format) is available on our website.
(<http://doa.wi.gov/dir> scroll down)*

- When there is more than one sheet, each sheet must be numbered consecutively and marked "Sheet__of __".
- The subdivision name and county name must be shown on each sheet.
- A location description by 1/4-1/4 section, section, town, and range must be shown on Sheet 1, and should be shown on all sheets.
- The Professional Land Surveyor must sign, seal, and date each sheet. (ref: A-E 2.02 (4).)
- The plat should be oriented so that the drawing, text and plat name are readable when the short (binding margin) side of the sheet is on the left or top, with NORTH pointing toward the top.

s 236.25 (2) (a),
Wis. Stats

Example Plats

Final Plat of YOKUM COVE

s. 236.20 (2) (a),
Wis. Stats.

MAPPING REQUIREMENTS

Exterior Boundaries

Draw exterior boundaries as heavy solid lines.

Where an exterior boundary falls within a street right-of-way, it may be drawn as a heavy dashed line.

s. 236.20 (2) (c),
Wis. Stats.

Lengths and bearings

The lengths and bearings are required for the boundary lines of every exterior, block, lot, outlot, street, and alley shown.

-Lot and outlot incremental lengths must sum to the block length.

-Block and street incremental lengths must sum to the exterior boundary length.

Note that rounding often introduces an error when summing incremental lengths.

-The metes and bounds description in the Surveyor's Certificate must agree with boundary data on the plat drawing.

s. 236.20 (2) (c),
Wis. Stats.

Easements

Easements can be shown completely on the plat drawing, in a typical easement in the LEGEND, as a typical separate easement detail, or a combination thereof. Provide the following information:

- The purpose of the easement (utility, drainage, public sewer,
- ingress/egress, etc.)
- For easements that are parallel to adjacent boundary lines, the
- width of the easement.
- For easements that are not parallel to adjacent boundary lines, either:
 - the easement boundary lengths and bearings and a "tie" to an adjacent lot corner monument,
 - or;
 - the easement centerline lengths and bearings and a "tie" to an adjacent lot corner monument.

Example Plats

Final Plat of YOKUM COVE

s. 236.20 (2) (b),
Wis. Stats.

MAPPING REQUIREMENTS

Description of Monuments

In the LEGEND on the plat drawing, include the following information to describe the monuments set or found:

- Monument symbol
- Material, type/shape
- Diameter (outside diameter of pipes)
- Length (when set)
- Weight per lineal foot (when set) (see Monumentation section)

Existing monuments that are archival and accepted as correct should not be removed and reset even if they do not comply with the standards of s. 236.15 (1), Wis. Stats. They are noted as "existing" or "found" and described by material, diameter, and shape.

The monumentation symbols used on the plat drawing and described in the LEGEND must be the same size.

Typical LEGEND with commonly used monument symbols and descriptions.

LEGEND:

- ▲ 1" O.D. Iron Pipe Found
- 2.375" O.D Iron Pipe Found
- 2.375" O.D. x 18" Iron Pipe, 3.65 lbs/ft, set
- 6" x 6" concrete monument found

All Other Lot, Outlot and Meander Corners are 1.315" O.D. x 18" Iron Pipe 1.68 lbs/lin ft Set.

Note: Must specify outside diameter for pipes.

Example Plats

Final Plat of YOKUM COVE

MAPPING REQUIREMENTS

Block Designations

Block designations are optional. If designated, the blocks must be numbered consecutively or lettered alphabetically throughout the subdivision.

s. 236.20 (2) (d),
Wis. Stats.

A block is generally defined as a group of lots/outlots or a single lot/outlot that is bounded by: a public street or other public dedication; an exterior subdivision boundary; or a navigable stream or lake.

Lot and Outlot Designations

Lots and outlots must be consecutively numbered within each block and throughout the subdivision plat.

s. 236.20 (2) (e),
Wis. Stats.

In numbered additions to a subdivision, lots and outlots must also be numbered consecutively throughout the additions, and sub sequential to the numbering in the initial plat. The block, lot and outlot numbering system must follow the pattern laid out on the initial plat. (See example in Lots and Outlots section.)

Lot and Outlot Areas

The square foot area of lots and outlots must be shown, either within the parcels on the plat drawing or in a separate table. It is permissible to show parcel acreage in addition to the square foot area.

s. 236.20 (2) (i),
Wis. Stats.

Use an area table only when the scale of the plat or additional features shown within the parcels cause them to be too cluttered to note the area within the parcel.

With the required 1/3000 accuracy of survey for subdivision plats, the allowable difference in computed square foot area is 1 sq. ft. per 1,000 sq. ft. (Example, for a lot shown as 20,000 sq. ft., the computed area can differ by +/- 20 sq. ft.)

Example Plats

Final Plat of YOKUM COVE

MAPPING REQUIREMENTS

s. 236.20 (2) (h),
Wis. Stats.

Centerline of Streets

Within the subdivision plat, draw street center lines using the standard broken line type. See example below.



s. 236.20 (2) (i),
Wis. Stats

Bearing Reference

Each sheet of the plat showing layout features needs a NORTH point. The NORTH point must be related to a boundary of the 1/4 section or recorded private claim* that the subdivision is located in.

The NORTH point is referenced as: True, Magnetic, Grid, Assumed, Recorded, etc.

If you use "grid north" as your identifiable direction, you should show coordinates on the section corners, and you must identify the source of the coordinates (State Plane, County Coord. etc.)

Bearings based on the State Plane Coordinate System must use a system allowed by s. 236.18 (2) and must cite the zone and horizontal datum (NAD 1927, NAD 1983 (1991) etc).

s. 236.20 (3) (b),
Wis. Stats

Section Corner Tie

The subdivision boundary must be "tied" by length and bearing to the boundary of a 1/4 section or recorded private claim* that the subdivision is located in.

Monuments at both ends of the referenced 1/4 section or recorded private claim boundary must be described by material, size, etc.

The bearing and distance between those monuments must be shown.

*Private claims are land grants of record that predate the U.S. Public Lands System. They are not recorded subdivision plats, Certified Survey Maps, or other instruments of conveyance.

Example Plats

Final Plat of YOKUM COVE

s. 236.20 (3),
Wis. Stats

MAPPING REQUIREMENTS

Subdivision Name

The name of the subdivision must be in prominent letters.

The subdivision name cannot be a duplicate of any other subdivision name within the same county or municipality.

Developments platted in phases must have consecutive or unique names.

ACCEPTABLE:

Woodcreek, Woodcreek 1st Addition, Woodcreek 2nd Addition.

Woodcreek, Woodcreek II, Woodcreek III.

Woodcreek Phase 1, Woodcreek Phase 2, Woodcreek Phase 3.

Woodcreek, Woodcreek North, Woodcreek Valley Addition.

NOT ACCEPTABLE:

Woodcreek, Woodcreek Phase I, Woodcreek Phase II.

Woodcreek, Woodcreek 2nd Addition, Woodcreek 3rd Addition.

Woodcreek, Woodcreek North, Woodcreek 2nd Addition.

Plat Review has a record of every subdivision reviewed by the State since 1934. Please contact the Plat Review staff to verify whether your subdivision name will be a duplicate in the county or municipality.

Subdivision Location

On the plat under the subdivision name, a location description of the subdivision plat must be shown, referenced to:

- 1/4-1/4 Section
- OR
- Government Lot or Recorded Private Claim;
- Section, Township and Range;
- County

We recommend including the name of the city, village, or town in the location description under the plat name.

When the plat contains more than one sheet, the subdivision name and county must be shown on each sheet.

Example Plats

Final Plat of YOKUM COVE

MAPPING REQUIREMENTS

Subdivision Name

If the subdivision is redividing any part of a recorded subdivision or certified survey map, the blocks and/or lots and subdivision name or CSM number of the redivided land should be referred to in the description under the subdivision name. (See the THIRD ADDITION TO YOKUM COVE which includes an outlot and a town road from a previous addition.)

Location Sketch or Map

A location sketch or map, oriented the same as the main drawing, must be shown on the plat.

- The sketch or map must delineate the full 1/4 section(s), or government lot(s) or recorded private claim(s) in which the subdivision is located.
- The sketch need not be to scale.
- The sketch may include other features, such as:
 - Section corner monuments, with bearing/distance between;
 - Access to public waters.
 - Nearby highways, lakes/streams, parks, etc.

s. 236.20 (3) (c),
Wis. Stats

In lieu of showing the government division in which the subdivision is located, the LOCATION SKETCH may show an accurate and detailed relationship of the subdivision to surrounding streets.

Adjoining Features

The platted status of the lands adjoining the subdivision must be shown and underscored in dashed or dotted lines.

s. 236.20 (3) (d & e),
Wis. Stats.

The boundaries of adjoining lands, land divisions, streets and highways must be drawn with dashed or dotted lines in their proper location.

Adjoining street and highway names must be shown, and underscored with dashed or dotted lines; adjoining street and highway right-of-way widths must be indicated.

Example Plats

Final Plat of YOKUM COVE

MAPPING REQUIREMENTS

Department of Transportation Review

WisDOT reviews subdivision plats when the subdivision adjoins a state trunk or interstate highway.

In general, the following information relating to the highway is shown on the plat:

- Highway setback lines
- Highway setback restriction clause
- Vision corner easements or restrictions
- Access restriction, graphically depicted on the plat drawing
- Access restriction clause
- Noise notation

Certificates

The following certificates must appear on all final plats:

- Surveyor's Certificate.
- Owner's Certificate.
- County Treasurer's Certificates.
- Town, Village, or City Approval Certificate.

If the subdivision is in a Town, also include:

- County Approval Certificate.
- Village or City Extraterritorial Approval Certificate, if applicable.

If the plat is submitted by the approving authority clerk (per s. 236.12 (2), Wis. Stats.), also include:

- Clerk's Transmittal Certificate

*Ch. Trans 233
Wis. Admin. Code*

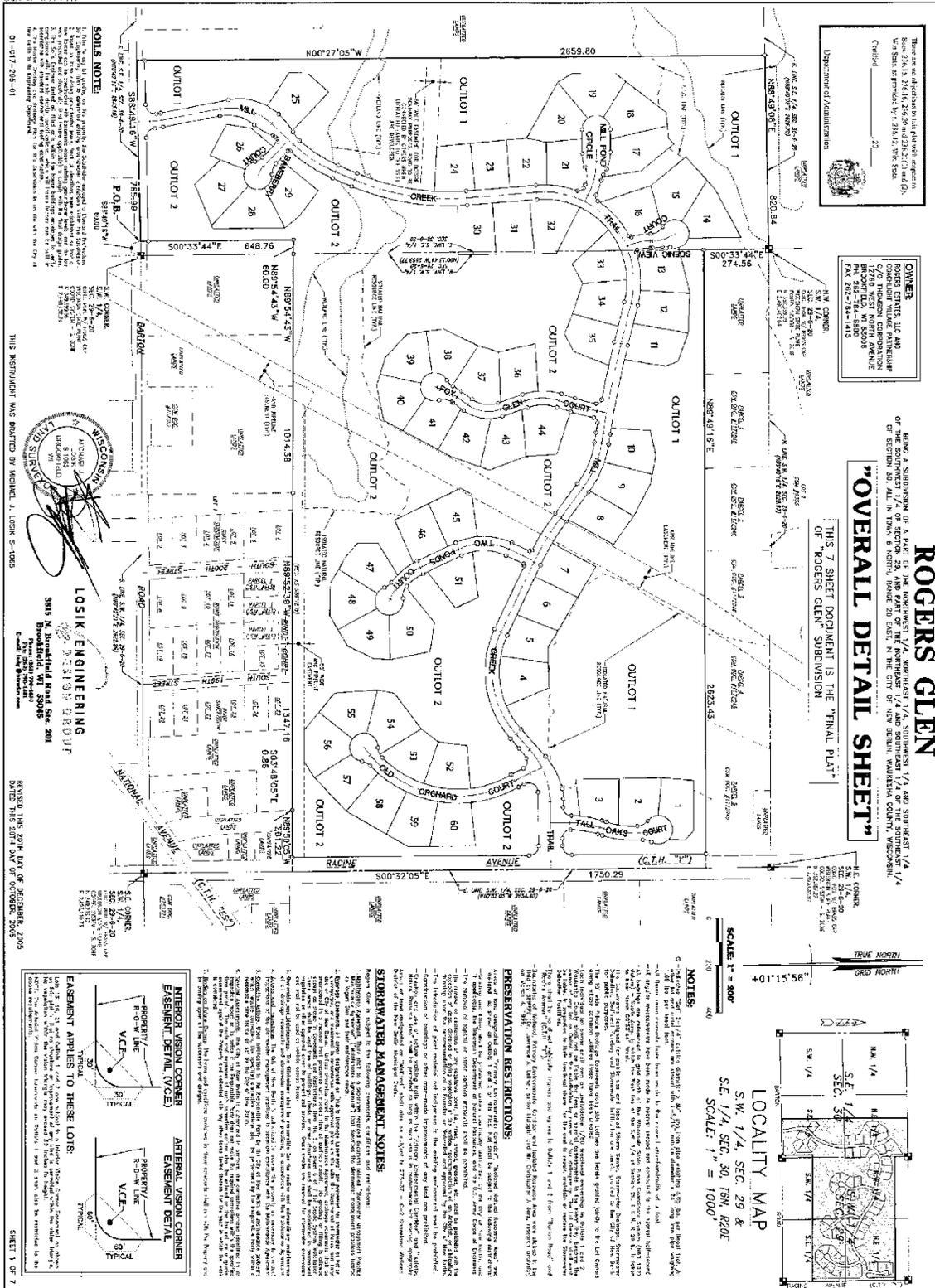
*s. 236.21 (1-3),
Wis. Stats.*

Example Plats

Final Plat of YOKUM COVE

SAMPLE OVERALL PLAT LAYOUT SHEET

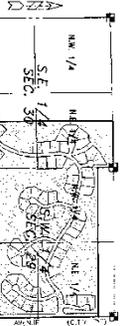
A plat drawing such as this is useful for user orientation when dealing with large subdivisions platted on multiple sheets. The layout sheet may be drawn to any convenient scale, and may also legibly show features such as section ties, adjoiners, easements, and watercourses.



There are no adjoiners to this plat with respect to Section 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

OWNER:
ROGERS GLEN LLC AND
ROGERS GLEN PARTNERSHIP
1716 WEST NORTH AVENUE
PROSPERITY, WI 53098
PA 262-784-1415

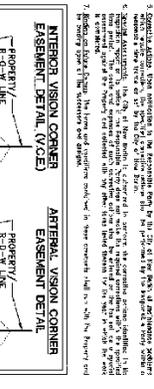
"OVERALL DETAIL SHEET"
THIS 7 SHEET DOCUMENT IS THE "FINAL PLAT"
OF "ROGERS GLEN" SUBDIVISION



SOLIS NOTE:
This plat is a subdivision of a larger tract of land... [Detailed text regarding survey and platting regulations]

LOSIK ENGINEERING
SMTS
Brookfield, WI 53005
P 262-784-1415

NOTES:
1. The plat is subject to the following covenants, conditions and restrictions... [Detailed list of notes and restrictions]



Example Plats

Final Plat of YOKUM COVE

Blank Page

Owner's Certificate of Dedication

As Owner, I hereby certify that I caused the land on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. I further certify that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

The Department of Administration
 The Department of Transportation
 Kickapoo County Planning Agency
 Town of France
 Village of Dogpatch

ACCESS RESTRICTION CLAUSE:

TRANS 233.05

As Owner, I hereby restrict all lots and blocks, in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with S.T.H. 236, as shown on the plat, it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to s. 236.293, Wis. Stats., and shall be enforceable by the Department of Transportation.

Witness the hand and seal of said Owner this ___ day of _____, 199__

In the presence of

Owner _____

Witness _____

Personally came before me the above named Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public _____
 Kickapoo County, Wisconsin My Commission Expires _____

Kickapoo County, Wisconsin

TRANS 233.105

The lots of this land division may experience noise at levels exceeding the levels in s. TRANS 405.04, table 1. These levels are based on federal standards. Owners of these lots are responsible for abating noise sufficient to protect these lots.

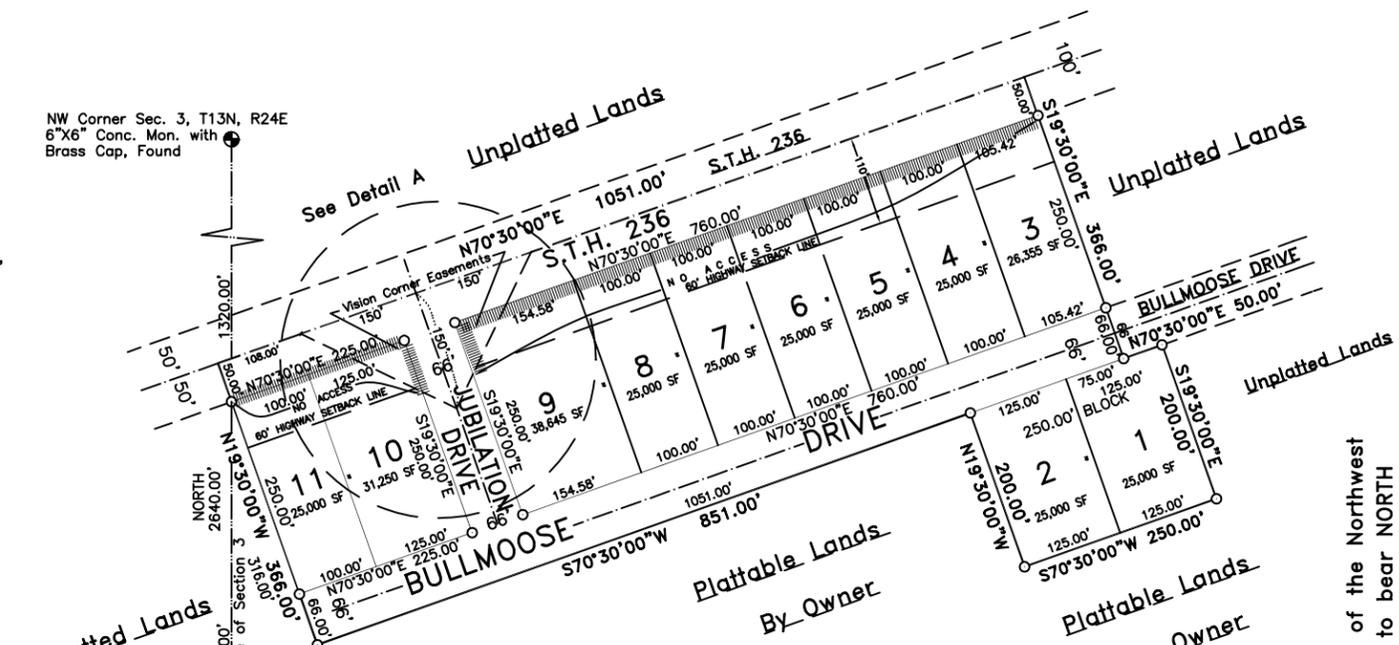
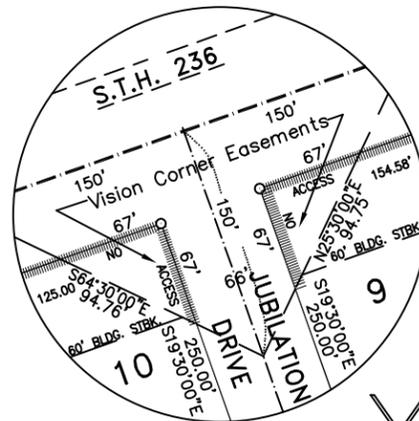
TRANS 233.08

No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293 Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation. For more information the telephone number may be obtained by contacting the County Highway Department.

NW Corner Sec. 3, T13N, R24E
 6"x6" Conc. Mon. with
 Brass Cap, Found

W 1/4 Corner Sec. 3, T13N, R24E
 2.375" OD diam. Iron Pipe with
 Brass Cap, Found

Detail A



Legend:

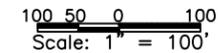
- 2.375" OD X 30" Iron Pipe 3.65 Lbs./Lin. Ft., Set
- All other lot corners
- 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- ▨ No Access



Typical Building Setbacks unless otherwise shown
 25' from streets, 10' from side lot lines,
 25' from back lot lines, and 60' from S.T.H. 236

Notes:

1. All dimensions measured and shown to the nearest hundredth of a foot; all angles measured to the nearest five seconds and computed to the nearest second.
2. Vision corner easement restriction: Anything grown or constructed within the vision corner easements shall not exceed 30 inches in height. Said easements shall also be kept free of any and all vehicles, signs or other items exceeding 30 inches in height. This restriction is for the benefit of the public and shall be enforceable by the Wisconsin Department of Transportation.
3. Entire plat falls within limits of Kickapoo County Shoreland Jurisdiction.

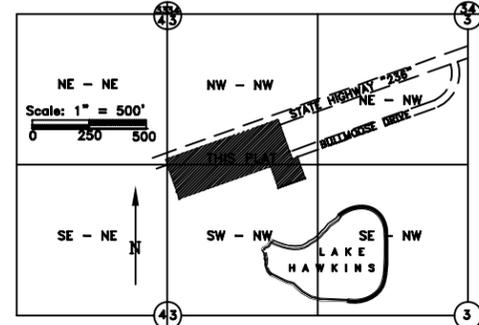


Bearings are referenced to the West line of the Northwest Quarter of Sec. 3, T13N, R24E assumed to bear NORTH

2" x 4 1/2" for Plat Review stamp

LOCATION SKETCH

The NW1/4 of Section 3 and the NE1/4 and SE1/4 of the NE1/4 of Section 4 T13N, R24E, KICKAPOO COUNTY, WI



YOKUM COVE

Located in part of the NE1/4 of the NE1/4 of Section 4, and in part of the NW1/4 and SW1/4 of the NW1/4 of Section 3
 Town 13 North, Range 24 East, Town of France, KICKAPOO COUNTY, WISCONSIN



Jane P. O'Connell
 1/30/94

SHEET 1 OF 2

This halfsize reproduction may not meet the legibility standards outlined in this text. Actual scale: 1" = 225'
 The fullsize drawing (at a scale of 1" = 100') meets legibility and drafting standards in this text.

Example Plats

FIRST ADDITION TO YOKUM COVE

In addition to the requirements listed with the final plat of YOKUM COVE, the following technical mapping requirements are illustrated on the FIRST ADDITION TO YOKUM COVE.

MAPPING REQUIREMENTS

"Recorded as" data

Lengths and/or bearings along the exterior boundary of a subdivision sometimes vary from those recorded in adjoining plats or CSMs. When this occurs, the recorded length and bearing of the adjoining plat or maps must be clearly marked on the plat drawing as "Recorded as (*length & bearing*)."

s. 236.20 (3) (c),
Wis. Stats

The record data is shown to indicate that the boundaries coincide, even though the bearing and/or distances differ between the divisions

Curve Data

The curve data can be shown either on the plat drawing near the respective curve, or in a Curve Data Table.

The elements required for curves greater than 30' radius include:

- The radius
- The central angle subtended
- The chord bearing
- The chord length
- The arc length
- The tangent bearing at the PC and PT of the main or block curve for all non-tangent curves. (Curves are assumed to be tangent to the straight lines at the P.C. / P.T. unless shown otherwise.)

s. 236.20 (3) (k),
Wis. Stats

On the plat drawing the chords of all main curves and block curves are drawn as dashed or dotted lines.

Curves with a radius of 30' or less that are used to round off an intersection of two straight lines must be tangent to both lines.

For this type of curve, only the radius and tangent lengths for the curve need be shown; all of the curve elements may be shown.

Example Plats

FIRST ADDITION TO YOKUM COVE

MAPPING REQUIREMENTS

s. 236.20 (3) (k),
Wis. Stats

Curve Data

Sample curve table

MAIN CURVE TABLE								
CURVE	DESCRIPTION	RADIUS	CHORD BRG.	CHORD	ARC	DELTA	TAN IN	TAN OUT
1-2	MAIN CURVE	133.00'	S61°34'07.5"E	124.70'	129.79'	55°54'45"	S89°31'30"E	S33°36'45"E
	LOT 2	133.00'	S79°18'56.5"E	47.15'	47.40'	20°25'07"		
	LOT 3	133.00'	S51°21'34"E	81.08'	82.39'	35°29'38"		
3-4	MAIN CURVE	67.00'	S61°34'07.5"E	62.82'	65.38'	55°54'45"	S89°31'30"E	S33°36'45"E
5-6	MAIN CURVE	333.00'	N78°06'01.5"E	246.39'	252.39'	43°25'33"	N56°23'15"E	S80°11'12"E
	LOT 6	333.00'	N60°21'29"E	46.12'	46.15'	7°56'28"		
	LOT 7	333.00'	N75°54'55"E	133.77'	134.69'	23°10'24"		
	LOT 8	333.00'	S86°20'32.5"E	71.42'	71.55'	12°18'41"		
6-7	MAIN CURVE	60.00'	S14°06'30.5"E	66.23'	306.83'	293°00'01"	N47°36'30"E	N19°23'29"W
	LOT 8	60.00'	S84°37'24.5"E	88.85'	100.05'	95°32'11"		
	LOT 9	60.00'	S08°10'25.5"E	57.59'	60.07'	57°21'47"		
	LOT 10	60.00'	S48°28'41.5"E	56.28'	58.58'	55°56'27"		
	OUTLOT 1	60.00'	S86°02'56.6"W	20.01"	20.11'	19°12'03"		
	LOT 11	60.00'	N51°52'15.5"W	64.44'	68.02'	64°57'33"		
7-8	MAIN CURVE	267.00'	S77°34'05.5"W	192.94'	197.40'	42°21'41"	N81°15'04"W	S56°23'15"W
9-10	MAIN CURVE	267.00'	S29°06'56.6"W	244.68'	254.17'	54°32'37"	S56°23'15"W	S01°50'38"W
	LOT 14	267.00'	S40°49'54.5"W	143.21'	144.98'	31°06'41"		
	LOT 15	267.00'	S13°33'36"W	108.44'	109.19'	23°25'56"		
11-12	MAIN CURVE	70.00'	S43°55'28.5"E	100.31'	111.83'	91°32'13"	S1°50'38"W	S89°41'35"E

Outlot designations

Subdivision plats contain outlots for a variety of reasons. Outlots may be:

- A remnant parcel to be subdivided in the future.
- Land reserved for a future public street.
- A non-buildable parcel that is conveyance restricted with an abutting lot in the plat.
- A private street or private park retained by the subdivider, homeowners association, or lot owners.
- A parcel that meets lot standards, but requires additional soils analysis or future public sewer to be buildable.
- Other parcels which have not been reviewed and certified/approved as building sites.

S. 236.13 (6), Wis. Stats., prohibits using an outlot as a building site unless it complies with all state and local requirements imposed upon lots.

Example Plats

FIRST ADDITION TO YOKUM COVE

MAPPING REQUIREMENTS

Outlot restrictions

s. 236.293, Wis. Stats.

Frequently, review authorities will require that outlot restrictions be placed on the plat drawing. Outlot restrictions, like any other restrictions on the recorded plat, may be waived or released in writing by the public agency or public utility having the right to enforce the restriction

Incorporating this written release into a "correction instrument", created by a Wisconsin Registered Land Surveyor, should clarify future title questions. Under the procedures of s. 236.295, Wis. Stats., the Register of Deeds adds a note to the recorded plat referencing where the correction instrument has been filed. (See Correction Instruments & Restriction Releases section.)

Site conditions and topography

s. 236.20 (5), Wis. Stats.

In general, the following salient features must be shown and identified on the plat:

- Existing buildings, drawn with dashed or dotted lines.
- Wetlands, noted as approximate, or by boundary bearing and distance tied to a monumented corner.
- Streams and drainage ditches, labeled "intermittent", "non-navigable" or "navigable" as appropriate.
- Quarries, ponds, towers, other pertinent features.

Plat Review uses USGS Quadrangle Maps, DNR Wetland Maps, County GIS, and other reference maps to verify watercourses and other topography and site conditions.

Water elevations

s. 236.20 (5) (c), Wis. Stats

Water elevations are required for navigable lakes and streams that are located within or adjoining the subdivision. On the plat, show:

- The approximate water elevation on the date of the survey.
- The approximate high water elevation.
- The datum plane to which the elevations are referenced (USGS, mean sea level, local datum or benchmark).

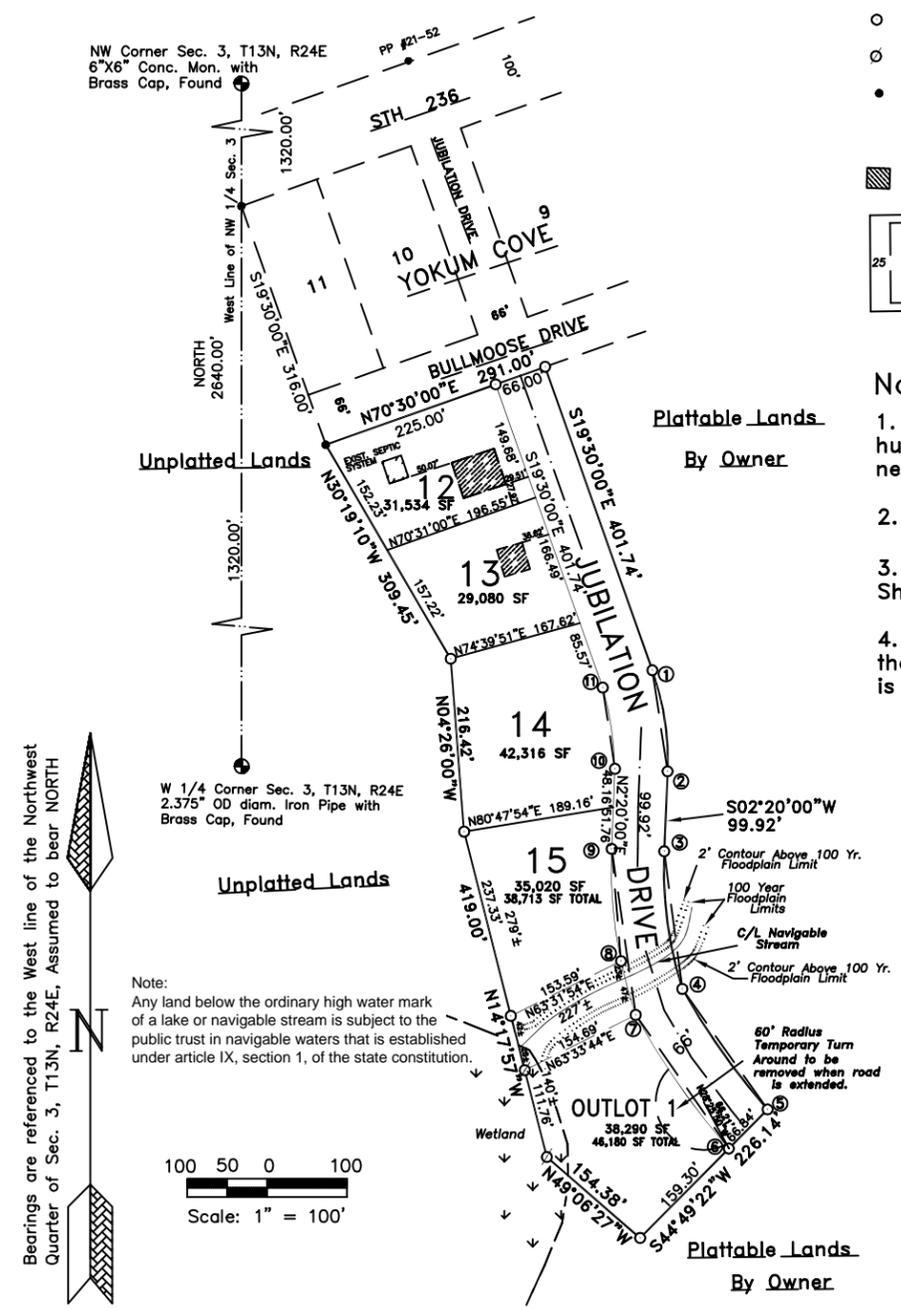
Example Plats

FIRST ADDITION TO YOKUM COVE

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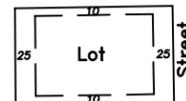
FIRST ADDITION TO YOKUM COVE

Located in the SW1/4 of the NW1/4 of Section 3, T13N, R24E, Town of France, KICKAPOO COUNTY, WISCONSIN



Legend:

- 2.375" OD X 30" Iron Pipe 3.65 Lbs./Lin. Ft., Set
- 2.375" OD X 72" Iron Pipe 3.65 Lbs./Lin. Ft., Set
- 2.375" OD Iron Pipe, Found
- All Other Lot Corners 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- ▨ Existing Building



Notes:

1. All dimensions measured and shown to the nearest hundredth of a foot; all angles measured to the nearest five seconds and computed to the nearest second.
2. All lots on this plat to be served by mound systems.
3. Entire plat falls within the limits of Kickapoo County Shoreland Jurisdiction.
4. The construction of buildings for human habitation and the installation of soil absorption systems on Outlot 1 is prohibited.

Water Elevations:
 Date of Survey 806.00'
 Approximate Low Water Elevation: 804.00'
 100 Year Flood Elevation: 810.00'
 Elevations referenced to U.S.G.S. (NAVD 88)
 5" RR Spike in Power Pole #21-52 on N. R-0-W STH 236, at intersection with Jubilation Drive, Elev.=836.00'

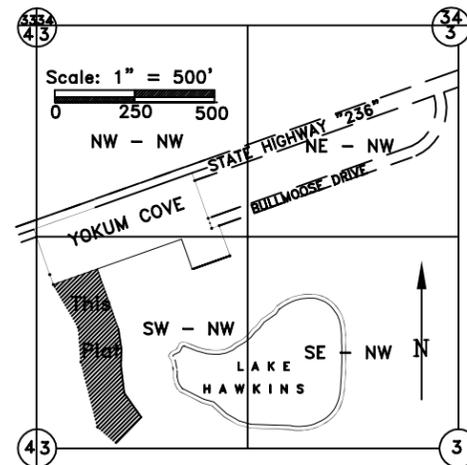
Curve Table:

CURVE NO.	LOT NO.	RADIUS LENGTH	CHORD BEARING	CHORD LENGTH	ARC LENGTH	CENTRAL ANGLE	TANGENT BEARING
1-2	EXT.	336.00'	S08°35'00"E	127.26'	128.04'	21°50'00"	S02°20'00"W S19°30'00"E
3-4	EXT.	507.00'	N08°11'58"W	185.36'	186.41'	21°03'56"	N02°20'00"E N18°43'56"W
4-5	EXT.	283.00'	N36°30'20"W	172.77'	175.58'	35°32'48"	N18°43'56"W N54°16'44"W
6-7	OL 1	349.00'	N35°35'24"W	203.01'	205.99'	33°49'04"	N18°40'52"W N52°29'56"W
7-9	OL 1, 15	573.00'	N08°11'58"W	209.49'	210.67'	21°03'56"	N02°20'00"E N18°43'56"W
7-8	OL 1, 15	573.00'	N15°14'39"W	69.72'	69.77'	06°58'34"	N11°45'22"W N18°43'56"W
8-9	15	573.00'	N04°42'41"W	140.55'	140.91'	14°05'22"	N02°20'00"E N11°45'22"W
10-11	14	270.00'	S08°35'00"E	102.27'	102.89'	21°50'00"	S02°20'00"W S19°30'00"E

2" x 4 1/2" for Plat Review stamp

LOCATION SKETCH

The NW1/4 of Section 3, T13N, R24E
 Town of France, KICKAPOO COUNTY, WI



Bearings are referenced to the West line of the Northwest Quarter of Sec. 3, T13N, R24E, Assumed to bear NORTH

Note:
 Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

Jane Doe
 4/20/94



This halfsize reproduction may not meet the legibility standards outlined in this text. Actual scale: 1" = 225'
 The fullsize drawing (at a scale of 1" = 100') meets legibility and drafting standards in this text.

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Example Plats

SECOND ADDITION TO YOKUM COVE

These example plat sections outline procedures and provide examples related to many common platting elements.

In addition to the requirements listed with the Final Plats of YOKUM COVE and FIRST ADDITION TO YOKUM COVE, the following sections apply to SECOND ADDITION TO YOKUM COVE.

MAPPING REQUIREMENTS

Ordinary High Water Mark

The ordinary high water mark (OHWM) of lakes and streams that form subdivision, lot, or outlot boundaries must be established in the field so that the proper location of meander lines and meander corner monuments may be determined, and to define lands that are subject to the public trust in navigable waters.

s. 236.025, Wis. Stats.

The plat must show an established OHWM that has been determined by the Department of Natural Resources or otherwise determined pursuant to law, or an approximated OHWM as determined by a Professional Land Surveyor.

s. 236.025 (1) (a) & (b), Wis. Stats.

If the OHWM is approximated, it must be at a point on the stream bank or shoreline up to which the presence or action of the water leaves easily recognized characteristics such as erosion or a change or lack of vegetation. If the OHWM at the boundary location cannot be determined, the mark at a nearby point may be determined and used to approximate the mark at the boundary location.

s. 236.025 (2), Wis. Stats.

A plat or map that uses an approximated OHWM must state on the plat or map that the OHWM is shown for reference only.

s. 236.025 (3), Wis. Stats.

Meander Lines

Meander lines must be established along all navigable lakes and perennial navigable streams that form subdivision, lot, or outlot boundaries. In addition, meander lines may be established when other natural features such as wetlands or cliffs prevent proper monumentation of a boundary.

s. 236.15 (1) (ag) & d) and s. 236.20 (2) (g), Wis. Stats.

Example Plats

SECOND ADDITION TO YOKUM COVE

MAPPING REQUIREMENTS

Meander Lines

Meander lines are monumented with:

- 2.375" O.D. x 18" iron pipes (or permitted equivalents) at all angle points along the meander line.
- 1" O.D. x 18" iron pipes (or permitted equivalents) at the intersection of the lot, outlot, or public access line with the meander line when this intersection is not an angle point in the meander line.

Meander corner monuments are set back 20' or more from the ordinary high water mark, as measured at a right angle to the shoreline (shortest distance). This shortest distance is shown on the plat drawing.

Existing meander corner monuments of record that are permanent and archival but less than 20' from the ordinary high water mark are acceptable, and noted as "found" on the plat.

Meander lines must be identified, and drawn with dashed or otherwise broken lines.

On plats and CSMs, meander corner monuments are required at the intersection of the parcel line with the meander line. This establishes two monumented points along the parcel boundary extending to the water.

Meander lines established in compliance with ch. 236, Wis. Stats. may cross over water. When this occurs along the exterior boundary, the metes and bounds description in the Surveyor's Certificate must exclude these meandered lands.

Public Trust Information

Subdivisions that are bounded by or include navigable waters must show the following statement of the plat:

"Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."

s. 236.15 (1) (ag & d) and s. 236.20 (2) (g), Wis. Stats.

s. 236.20 (6), Wis. Stats.

Example Plats

SECOND ADDITION TO YOKUM COVE

s. 236.16 (3),
Wis. Stats.

MAPPING REQUIREMENTS

Public Access to Lakes and Streams

Subdivisions abutting a navigable lake or stream must provide a 60 foot wide public access at half mile intervals as measured along the shoreline, unless there is an existing public access at least 60 feet wide within 1/2 mile of the subdivision.

This public access must extend to the low watermark and be connected to public roads.

If existing public access is being used to meet the requirements of this section, the width of the access and the approximate distance along the shoreline between the furthest point in the subdivision and the public access must be shown on the plat drawing.

PUBLIC ACCESS NOTES:

*The half mile interval for public access is measured along the shoreline from the **farthest** corner of the subdivision. (No point along the shore within the subdivision may be more than 1/2 mile from a public access.)*

The public access must be at least 60 feet wide at the waters edge.

*If the subdivision contains **more than a half mile** of shoreline, a public access is usually required, unless there is a substantially wider site within a reasonable distance.*

To determine the minimum width of existing public access required by this section, multiply the total length of shoreline from the furthest point in the subdivision to the existing access by 0.02273.

No public access established under ch. 236, Wis Stats. may be vacated except by circuit court action.

An existing 50 foot public access dedicated in a previous subdivision may be used to satisfy the requirements of this section. (52 O.A.G. 63)

The public access dedication does not need to be improved or maintained by the local unit of government.

Example Plats

SECOND ADDITION TO YOKUM COVE

MAPPING REQUIREMENTS

s. 236.16 (4),
Wis. Stats.

Lands adjoining water

If the subdivider has any interest in lands lying between the water's edge of an adjacent navigable lake or stream and the subdivision boundary, and if that land is unplattable for any reason, the land must be included in the subdivision.

The purpose of this requirement is to prevent the circumvention of the public access provisions of s. 236.16 (3), Wis. Stats.

If the subdivider has an interest in the lands lying between the subdivision and the water's edge and that land is plattable, label the adjoining land "PLATTABLE LANDS BY OWNER."

If the subdivider has no interest in the lands lying between the subdivision and the water's edge, label the adjoining land "LANDS BY OTHERS."

s. 236.20 (2) (j),
Wis. Stats.

Areas of meandered parcels

Lots and outlots along navigable lakes and streams are meandered. The lot or outlot area must be shown as the total (approximate) square foot area to the water; the partial square foot area to the meander line may also be shown.

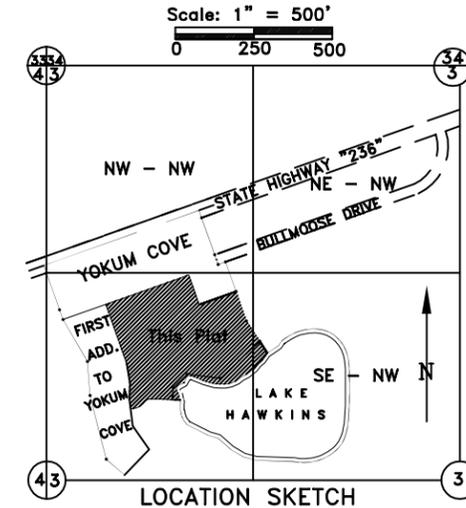
- The total area is useful for assessment, taxation, and complying with some density and minimum layout standards.
- The partial area to the meander line can be accurately computed and verified from the surveying data shown on the plat drawing.
- When possible, show both areas and label them as "total" and "to m/l (meander line)."

Use an area table if placing the areas on the lot or outlot will clutter the drawing. It is acceptable to also include acreage when showing parcel areas.

SECOND ADDITION TO YOKUM COVE

Located in the SE1/4 and SW1/4 of the NW1/4 of Section 3, T13N, R24E
Town of France, KICKAPOO COUNTY, WISCONSIN

2" x 4 1/2" for Plat Review stamp



Part of the SE1/4 and SW1/4 of the NW1/4 of Section 3, T13N, R24E, Kickapoo County, WI

LINE TABLE	
L1	S73°36'48"E, 20.55'
L2	S26°53'20"E, 50.69'
L3	N59°00'15"W, 42.08'
L4	S09°06'46"W, 52.83'
L5	S71°14'16"E, 72.05'
L6	S13°24'04"E, 69.94'
L7	S36°03'27"E, 16.15'
L8	N49°00'04"E, 31.23'

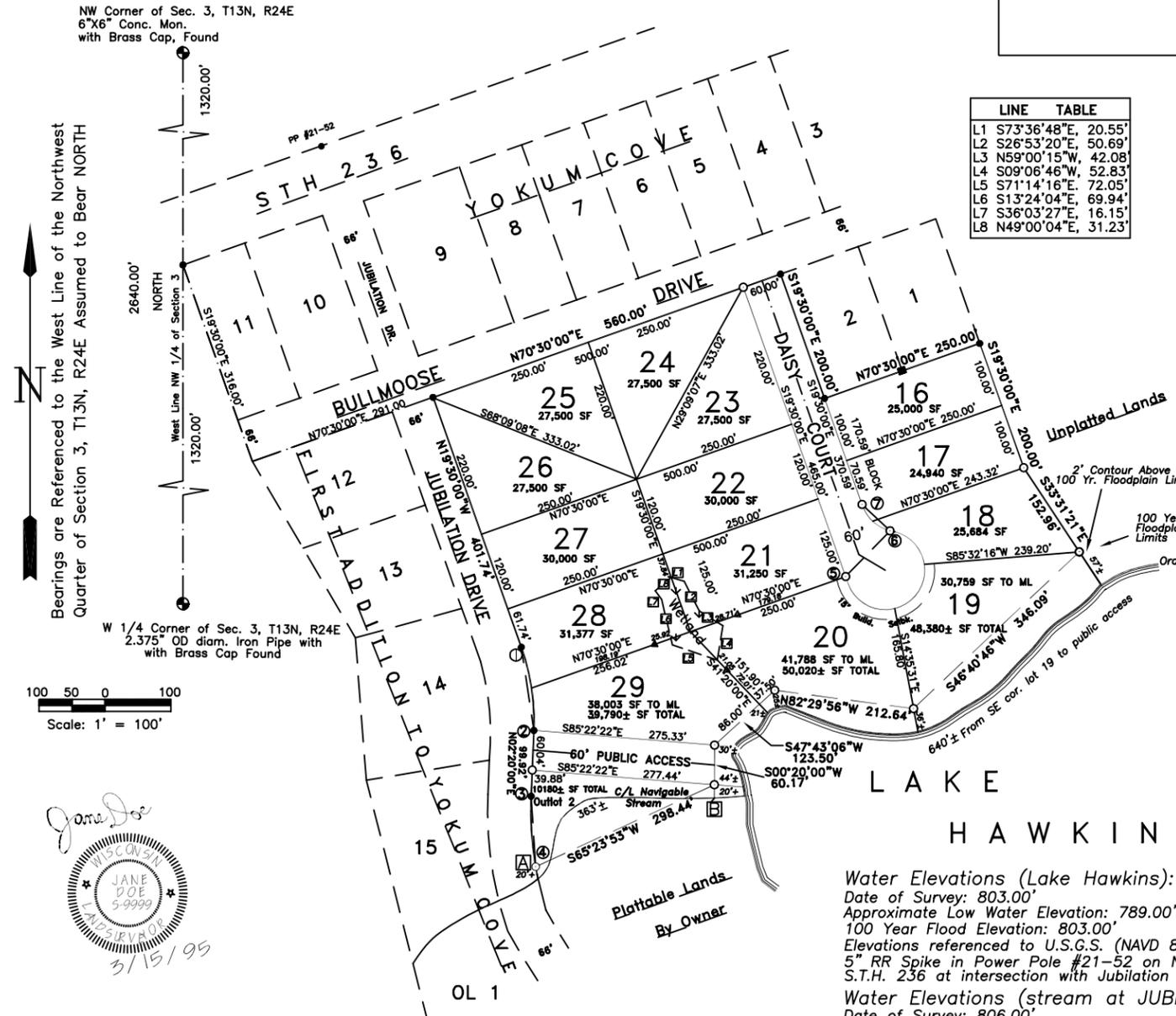
Legend:

- 2.375" OD X 30" Iron Pipe 3.65 Lbs./Lin. Ft., Set
 - 2.375" OD Iron Pipe, Found
 - 1.05" OD Iron Pipe, Found
 - ▲ 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft. Offset from Wetland Boundary
 - All other lot and meander corners 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- Typical Building Setbacks unless otherwise shown.
 75' Setback from Ordinary High Water Mark.

Note: Ordinary High Water Mark as established by surveyor per s. 236.025 (2); shown for reference only.

Notes:

1. All dimensions measured and shown to the nearest hundredth of a foot; all angles measured to the nearest five seconds and computed to the nearest second.
2. Entire plat falls within limits of Kickapoo County Shoreland Zoning Jurisdiction
3. The construction of buildings for human habitation and the installation of soil absorption systems on Outlet 2 is prohibited.
4. Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.



Water Elevations (Lake Hawkins):
 Date of Survey: 803.00'
 Approximate Low Water Elevation: 789.00'
 100 Year Flood Elevation: 803.00'
 Elevations referenced to U.S.G.S. (NAVD 88)
 5" RR Spike in Power Pole #21-52 on N. r-o-w S.T.H. 236 at intersection with Jubilation Drive, Elev.=836.00'

Water Elevations (stream at JUBILATION DRIVE):
 Date of Survey: 806.00'
 Approximate Low Water Elevation: 804.00'
 100 Year Flood Elevation: 810.00'

NW Corner of Sec. 3, T13N, R24E
6"X6" Conc. Mon. with Brass Cap, Found

Bearings are Referenced to the West Line of the Northwest Quarter of Section 3, T13N, R24E Assumed to Bear NORTH

W 1/4 Corner of Sec. 3, T13N, R24E
2.375" OD diam. Iron Pipe with Brass Cap Found

Scale: 1" = 100'



This halfsize reproduction may not meet the legibility standards outlined in this text. Actual scale: 1" = 225'
The fullsize drawing (at a scale of 1" = 100') meets legibility and drafting standards in this text.

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Example Plats

THIRD ADDITION TO YOKUM COVE

These example plat sections outline procedures and provide examples related to many common platting elements.

In addition to the requirements listed with the Final Plats of YOKUM COVE, FIRST ADDITION TO YOKUM COVE, and SECOND ADDITION TO YOKUM COVE, the following sections apply to the THIRD ADDITION TO YOKUM COVE.

MAPPING REQUIREMENTS

Reduced lot sizes

Planned Unit Developments (P.U.D.s), zero lot line developments (duplex or town house) and other types of developments with reduced lot sizes are increasingly popular forms of subdivisions.

The width and area of lots included in these types of subdivisions can be reduced to dimensions authorized by a local subdivision control ordinance when the lots are served by public sewers.

When submitting this type of subdivision to Plat Review for review, include the following documentation:

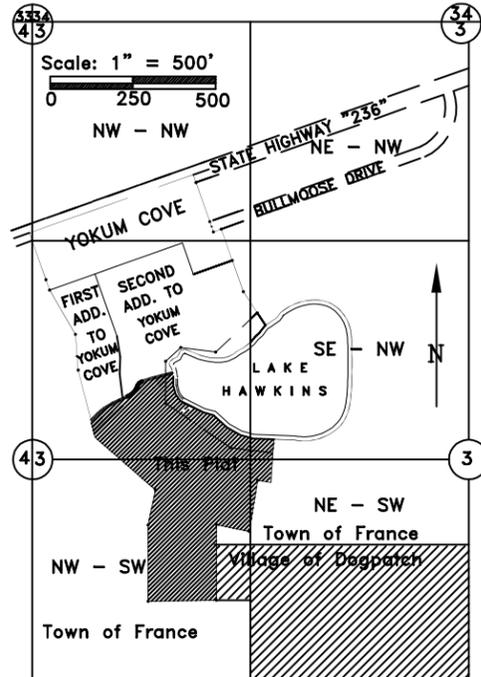
- The city, village or town clerk's certification that local ordinance allows the reduced lot sizes (frequently verification that local ordinance allows lesser width streets or private street access is also needed).
- The city, village or town clerk's certification that public sewer will be available and private septic systems are prohibited.

s. 236.16 (1),
Wis. Stats.

Example Plats
THIRD ADDITION TO YOKUM COVE

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THIRD ADDITION TO YOKUM COVE



LOCATION SKETCH
The NE1/4 and NW1/4 of the SW1/4 and the NW1/4 of Section 3, T13N, R24E, KICKAPOO COUNTY, WISCONSIN

A Replat of Outlot 1 of the FIRST ADDITION TO YOKUM COVE, and a part of JUBILATION DRIVE, discontinued by Town Board Resolution on 8/09/95, Doc. No. 233457, Vol 23, Pg. 47, also being part of the SW1/4 and SE1/4 of the NW1/4 and part of the NE1/4 and NW1/4 of the SW1/4 of Section 3, Town 13 North, Range 24 East Village of Dogpatch, KICKAPOO COUNTY, WISCONSIN

Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

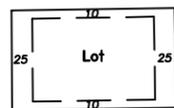
Lot	to meanderline total	total
30	35,801	67,435±
31	35,303	45,112±
32	36,887	46,917±
33	33,618	46,661±
34	31,178	48,540±
35	27,705	43,261±
36	18,806	54
37	20,518	55
38	22,801	56
39	13,770	57
40	13,315	58
41	11,115	59
42	12,520	60
43	12,002	61
44	13,051	22,991 to M/L
45	17,465	OL 3 47,656
46	12,867	
47	18,595	

Legend:

- 2.375" OD X 30" Iron Pipe 3.65 Lbs./Lin. Ft., Set
- 2.375" OD Iron Pipe, Found
- All Other Lot and Meander Corners
- 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set



UTILITY EASEMENTS - No poles or buried cables are to be placed such that the installation would disturb any survey stake or obstruct vision along any lot line or street line. The disturbance of a survey stake by anyone is a violation of s. 236.32, Wis. Stats. Utility Easements as herein set forth are for the use of PUBLIC BODIES and PRIVATE PUBLIC UTILITIES having the right to serve the area.

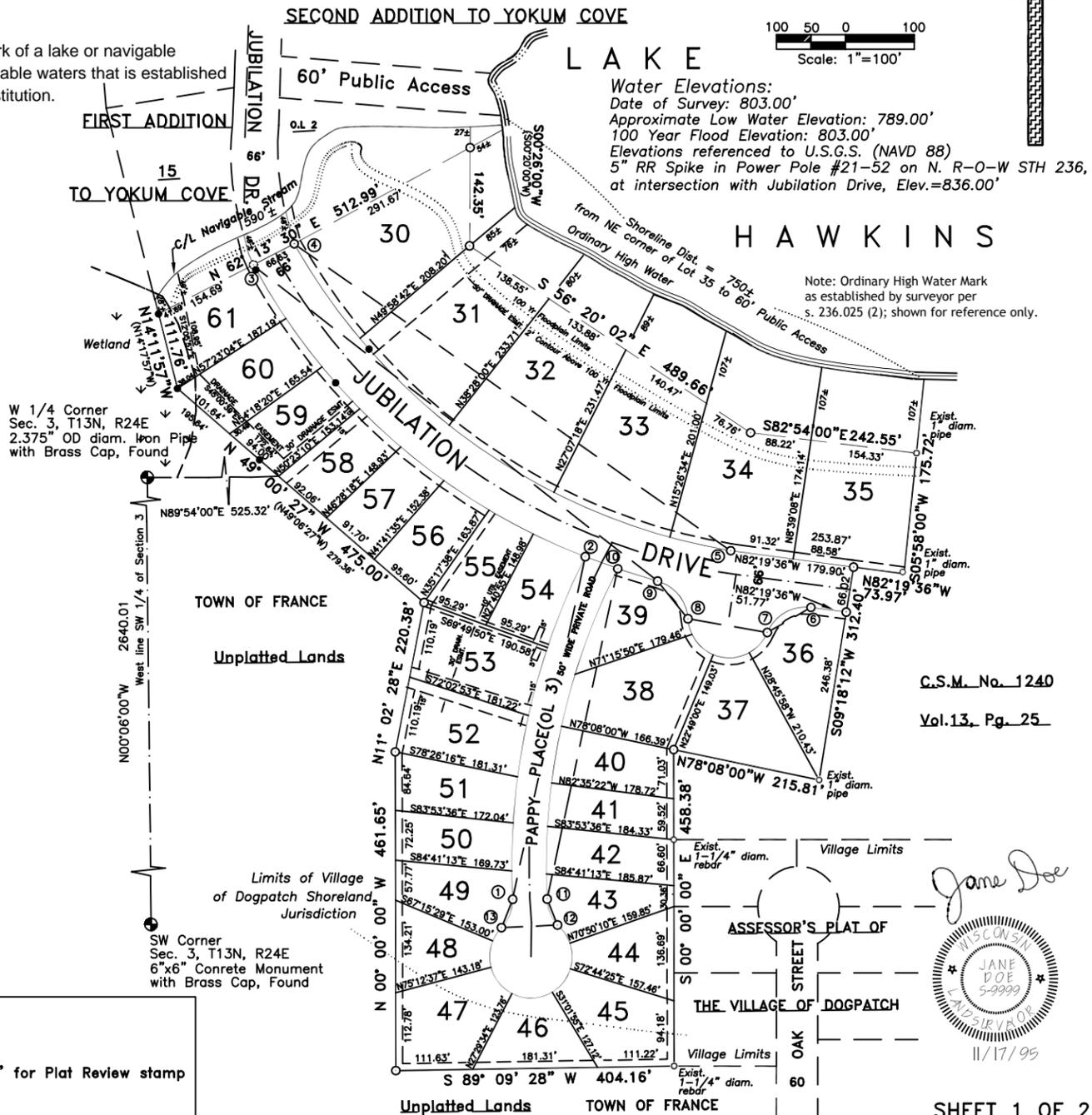


Typical Building Setbacks unless otherwise shown
Building Setbacks from Ordinary High Water Mark per Village of Dogpatch Local Ordinance

Note:

All dimensions measured and shown to the nearest hundredth of a foot; all angles measured to the nearest five seconds and computed to the nearest second.

2" x 4 1/2" for Plat Review stamp



Water Elevations:
Date of Survey: 803.00'
Approximate Low Water Elevation: 789.00'
100 Year Flood Elevation: 803.00'
Elevations referenced to U.S.G.S. (NAVD 88)
5" RR Spike in Power Pole #21-52 on N. R-O-W STH 236, at intersection with Jubilation Drive, Elev.=836.00'

Note: Ordinary High Water Mark as established by surveyor per s. 236.025 (2); shown for reference only.

C.S.M. No. 1240
Vol. 13, Pg. 25

Jane Doe
WISCONSIN
JANE DOE
L.A.S. 5-9999
L.A.S. SURV. 08
11/17/95

SHEET 1 OF 2

Bearings are referenced to the West line of the Southwest Quarter of Section 3, T13N, R24E, Assumed to bear N00°06'00"W

O:\DATA\DRAWINGS\YOKUM4T3 Revised 1/9/02

This halfsize reproduction may not meet the legibility standards outlined in this text. Actual scale: 1" = 225'
The fullsize drawing (at a scale of 1" = 100') meets legibility and drafting standards in this text.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

(This form is NOT the statute. It is a guide to the statute)

SURVEYING REQUIREMENTS

s. 236.15 (1) MONUMENTS [show outside diameter of pipes]

- (ac) Monuments required by this section are placed flush with the ground.
 - Where corners fall within a street, the monuments are placed on the side line of the street where practical.

- (ag) External boundaries of the subdivision shall be monumented by 2.375" O.D x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft.
 - Common permitted equivalents are: No. 10 rebar, 1-1/4" round iron bar.
 - Monuments are required at all corners, the ends of curves and points where a curve changes its radius, at all angle points of the external boundary line and at all angle points along a meander line.
 - Monuments set along meander lines must be set back 20' or more from the top of bank or ordinary high water mark.

- (b) Internal boundaries shall be monumented by 2.375" O.D. x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft.
 - Common permitted equivalents are: No. 10 rebar, 1-1/4" round iron bar.
 - Monuments are required at all block corners, the end of curves and points where a curve changes its radius, all angle points along public street right-of-ways and at all angle points along a meander line.
 - Monuments set along meander lines must be set back 20' or more from the top of bank or ordinary high water mark.
 - Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters.

- (c) All other lot, outlot, park and public dedication corners not monumented as above shall be monumented by 1" O.D. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft.
 - Common permitted equivalents are: No. 6 rebar, 3/4" round iron bar.

- (d) Lot, outlot, park and public dedication boundaries that intersect meander lines shall be monumented at the intersection by 1" O.D. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft.
 - Common permitted equivalents are: No. 6 rebar, 3/4" round iron bar.
 - Monuments must be set back 20' or more from the top of bank or ordinary high water mark.

- (f) In lieu of par. (c) and (d) above, any durable metal, stone or concrete monuments may be used if they are uniform throughout the plat and have a permanent magnet embedded near top of the monument.

NOTE: Existing monuments found and accepted as archival should not be replaced to comply with the requirements of this section.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.15 (1) MONUMENTS (continued)

- (g) Plat Review may waive strict adherence to the requirements of (a), (b), (c) and (d) above provided:
 - The Surveyor submits a written waiver request that describes conditions that prevent adherence to the monumentation requirements.
 - The request must outline an alternative to the monumentation requirements.
 - The alternate monumentation must provide for accurate retracement.
 - Plat Review commonly grants waiver requests for:
 - Corners occupied by trees or buildings; Corners that fall in wetlands, bedrock, concrete sidewalks and drives.
 - Common alternate monumentation: Offset monuments on line, witness monuments, chiseled marks (X) in concrete or bedrock.
 - Plat Review may make other reasonable monumentation requirements to accommodate unusual circumstances.

- (h) The primary approving authority may temporarily waive placing of interior monuments under par. (b), (c), and (d). A surety bond will be required.

A-E 7.05 (4) PARCEL LOCATION

- Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed. (Including monuments from adjoiners and section split.)

s. 236.15 (2) ACCURACY OF SURVEY

- The ratio of error in latitude and departure closure of any part of the survey shall not exceed 1/3000'.
 - The survey shall be performed by a Wisconsin Professional Land Surveyor.

A-E 7.03 RESEARCH

- Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and centerline and other boundary line locations...

s. 236.16 LAYOUT REQUIREMENTS

- (1) MINIMUM LOT WIDTH AND AREA
 - In counties of 40,000 or more, lots shall have a min. average width of 50' and a min. area of 6,000 sq. ft.
 - In counties of less than 40,000 lots shall have a min. average width of 60' and a min. area of 7,200 sq. ft.
 - Lot width and area may be reduced by local authority IF:
 - The Municipality or Town or County has enacted a subdivision control ordinance under s. 236.45.
 - The ordinance specifically allows for reduced width and area, allows developments (such as PUD's, Cluster, Conservancy Districts, etc.) that incorporate reduced lot width and area, or permits waiving the above requirements.
 - The lots are served by public sewer.
 - Plat review must be provided with verification that local ordinance allows for reduced lot widths and areas (copy of ordinance, or letter from approving authority that cites ordinance).

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.16 LAYOUT REQUIREMENTS (continued)

- (2) MINIMUM STREET WIDTH
 - If the width is specified on a Master Plan or Official Map, the streets within the subdivision must be the width specified in the map or plan.
 - If there is no Official Map or Master Plan, the streets within the subdivision must be at least as great as existing connecting streets but no less than 60' wide unless permitted by local ordinance.
 - Plat review must be provided with verification that local ordinance allows for reduced street widths (copy of ordinance, or letter from approving authority that cites ordinance).
 - Town road widths shall comply with minimum standards prescribed by s. 82.50.
 - The Town board may request from Department of Transportation a waiver of the minimum standards; Plat review must be provided with verification that said waiver has been granted prior to our certification of any plat containing non standard town roads.
 - Frontage and service roads may not be less than 49.5' in width.
 - Partial street dedications along a subdivision boundary may be less than 60' wide, provided a restriction is placed within the partial street that specifies the width of the full dedication (e.g. "Future 60' public street").
 - Partial street dedications less than 60' wide to the centerline of an existing street are permitted.

- (3) LAKE OR STREAM SHORE PLATS.
 - A subdivision must provide a 60' wide public access at 1/2 mile intervals, as measured along the shore, to all navigable lakes and streams (i.e. no part of the subdivision along the shore may be more than 1/2 mile from a public access point).
 - The public access must be to the low water mark and connected to a public road.
 - The access must be dedicated to the public (easements, connections to private roads do not satisfy the requirements of this section).
 - A subdivision may forego providing access if there is existing access that complies with the above requirements.
 - A subdivision may forego providing access if there is existing access greater than 60' wide at more than a 1/2 mile interval as agreed upon by the DNR and Plat Review.
 - Public access can only be vacated by circuit court action and DNR approval.

- (4) LAKE OR STREAM SHORE PLATS.
 - If the subdivider has any interest in the land between the meander line and the water's edge or in lands between the subdivision and the water's edge, such lands must be included in the plat or must be otherwise plattable.
 - Lands of the subdivider cannot be excluded from a plat to circumvent the requirements of (3), above.

s. 236.20 (1) GENERAL REQUIREMENTS

- (a) Plats shall be prepared with a 1" binding margin on all sides; Drawing area is 20" x 28".
- Plats will be drawn at a graphic scale not over 100' to 1" on each sheet showing layout features.
 - A graphic scale greater than 100' to 1" may be used IF:
 - The Surveyor submits a written scale waiver request.
 - All data is legible and clearly presented.
 - Plat Review may require detail drawings or other features to ensure the legibility of the plat.
- All sheets must be numbered as sheet ____ of ____ sheets, if more than one sheet.
- The subdivision and county name must appear on each sheet.
- (b) The drawing submitted for review may be on any material capable of clearly legible reproduction; The recordable document shall be durable white media, 22" wide x 30" long, with a nonfading black image.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (2) MAP AND ENGINEERING INFORMATION

There following information must be legibly shown:

- (a) All exterior boundaries.
- (b) All monuments, corners and other points established in the field (Lot, outlot and meander corners need not be shown).
 - A description of the monuments, including the type of material, the size or diameter (outside diameter for pipe monuments); The length and weight per linear foot of set pipe or bar monuments.
 - Monuments must be described as found (existing) or set (placed) per [A-E 7.05 \(4\)](#).
 - Monument symbols shown in a LEGEND must match the corresponding symbol on the drawing (size, lineweight, etc.)
- (c) The exact length and bearing of all exterior boundaries, blocks, public grounds, streets, alleys, and lot lines. (Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters.)
 - A tier or row of lots with parallel lines or equidistant lengths may show only the outer bearings and/or lengths; The interior bearings and/or lengths may be represented by "ditto" marks.
 - Incremental lengths shown along a common line must sum to the total line length shown.
 - Incremental lengths shown on either side of a common line must sum the same.
 - Easements must be described by boundary or center line distance and bearing and widths, or by widths when parallel to other survey lines.
 - Easements that do not parallel other survey lines must be tied by bearing and distance to an adjacent monumented corner.
 - Easements or restrictions created by the plat must be field retraceable as shown by the plat.
 - Existing easements or restrictions affecting the subdivision must be described as above, or by reference to the record document.
 - Easements or restrictions shown affecting lands beyond the subdivision boundary must be marked "existing" or "by other instrument".
 - Previously recorded bearings and lengths must be shown "Recorded as _____".
- (d) Blocks, if designated, must be consecutively numbered or lettered in alphabetical order.
 - Lot numbering may start with "1" within each *designated* block.
- (e) Lots and outlots must be consecutively *numbered* within each block **and** throughout the subdivision **and** throughout numbered additions to a subdivision where blocks are not designated.
 - Blocks are defined by public street right-of-ways, external subdivision boundaries, public dedications, and navigable waters. (A block exists even if it is not designated as a block per (d), above.)
 - Outlot numbering should follow the lot numbering pattern (i.e. lowest numbered outlot should be in the same block with lowest numbered lot) throughout the subdivision.
 - Lots and outlots may not extend across navigable waters (see 66 OAG 2 (1977)).
- (f) The Exact width of all easements, streets, alleys.
- (g) Lengths and bearings of all meander lines, with distances between intersections of meander lines and lot lines and ordinary high water mark.
 - Monuments must be set back 20' or more from the top of bank or ordinary high water mark.
- (h) The center line of all streets included within the plat.
 - The center lines need not be dimensioned unless required by local ordinance.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (2) MAP AND ENGINEERING INFORMATION (continued)

- (i) The North point properly oriented; Bearings referenced to an identifiable direction (assumed, recorded, coordinates, etc.) and related to a boundary line of a quarter section, government lot, private claim or federal reservation in which the subdivision lies. (e.g. "The north line of the NE 1/4 Sec. 3, T14N, R23 E, assumed N 89d 15' 23" E".)
 - Bearings referenced to state plane coordinates must identify the datum on which the coordinates are based.
 - Bearings referenced only to "County coordinates", "recorded subdivision plat" or similar do not meet the requirements of this section.

- (j) The lot and outlot area in square feet.
 - Meandered parcels must show approximate total area, and may also show area to meander line.

- (k) **CURVES**
 - Main curve chords drawn as dotted or dashed lines.
 - Both tangent bearings must be shown for all non-tangent main curves, either on drawing or in curve table. (Lines into and out of a curve are assumed tangent unless shown otherwise.)
 - Arc length, chord bearing and length, radius, and central angle shown for main and sub (lot) curves.
 - Data may be shown on the drawing, in a curve table, or a combination of both.
 - Tangent bearings of sub (lot) curves need not be shown.
 - Curves with a radius less than 30' must be tangent to street right-of-way lines; Only the radius and tangent length need be shown.

- (l) Strict compliance with the requirements of this section may be waived by Plat Review.

s. 236.20 (3) SUBDIVISION NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY

- (a) Immediately under the plat name, show location of subdivision by government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county. (Note: private claims are land grants existing prior to the USPLS surveys.)
 - If the subdivision contains all or part of a recorded plat or CSM, or vacated portion thereof, reference to such plat, CSM, or vacation should be included in the location description.

- (b) The subdivision must be tied by bearing(s) and length(s) to a boundary line of a 1/4 section, private claim, government lot or Federal Reservation in which the subdivision lies; The monuments at the ends of the line must be described by material, size, etc; The bearing and distance between those monuments must be shown.
 - Plat review may accept ties to other established monuments if 1/4 section, p.c., gov't lot or reservation monuments **can not** be recovered.

- (c) A small drawing showing the location of the subdivision by complete 1/4 section(s), gov't lot(s) or private claim(s), oriented same as main drawing.
 - Plat Review may accept drawing that shows the location of the subdivision in relation to existing streets in lieu of above.
 - The location drawing need not be to scale.

- (d) The names of adjoining streets, state or county highways, subdivisions drawn in their proper location, underscored by dotted or dashed lines.
 - Adjoining unplatted lands must be so labeled, and underscored by dotted or dashed lines

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.20 (3) SUBDIVISION NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY (continued)

- (e) Adjoining street and state or county highway right-of-way widths and boundaries must be drawn with dotted or dashed lines in their proper location.
 - Adjoining right-of-way widths that vary may be so marked; The minimum width adjoining the subdivision should then be shown.
 - The boundaries of large width right-of-ways (such as Interstate Highways) need not be shown to scale.

s. 236.20 (4) ROADS AND PUBLIC SPACES

- (a) The name of each road and street within the subdivision.
 - Unnamed public streets must be marked "public street" or "public road".
 - Right-of-way islands shown as separate parcels must be labeled as outlots and dimensioned on the plat drawing.
- (b) ALL Lands dedicated to the public, including streets, roads, alleys, parks, trails, access to waters, greenspace, etc. must be clearly marked "Dedicated to Public" on the drawing.
 - The use of the dedicated land should be shown (e.g. "Dedicated to the public for park")
- (c) All roads **not** dedicated to the public must be clearly marked "Private Road", "Private Street", or "Private Way" on the drawing.
 - Private roads, streets, or ways must be further labeled as outlots on the plat drawing.
- (d) Each lot must have direct access to a public street, unless otherwise provided for by local ordinance.
 - If access to a public street is via easement or private road or drive, Plat Review must be provided with verification that local ordinance allows for such access (copy of ordinance, or letter from approving authority that cites ordinance).

s. 236.20 (5) SITE CONDITIONS AND TOPOGRAPHY

- (a) All existing buildings must be shown (drawn with dashed or dotted lines) and identified.
- (b) Show and identify all navigable watercourses, intermittent streams and drainage ditches, wetlands, overhead utility towers, quarries, and other pertinent features.
- (c) Water elevations of adjoining or included navigable lakes and streams at date of survey, and the approximate high water elevation, must be shown and referenced to a permanently established datum plane.

s. 236.20 (6) PUBLIC TRUST INFORMATION

- The following statement must be added to all plats of subdivision that include or are bounded by navigable waters:
 - “Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution”.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

s. 236.025 ORDINARY HIGH WATER MARKS (OHWM)

- (1) An OHWM shown on the plat may be established by the department of natural resources or otherwise determined pursuant to law, or may be approximated by the Professional Land Surveyor.

-If the mark is approximated, it must be the point on the bank of a navigable stream or on the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics. If the approximate location of the ordinary high water mark is difficult to determine, a professional land surveyor may consider other points on the bank or shore for purposes of approximating the location of the ordinary high water mark.

- A plat that shows an approximate ordinary high water mark shall state on its face that the mark is shown for reference only.

A-E 7.08 U.S. PUBLIC LAND SURVEY MONUMENT RECORD.

- (1) A U.S. public survey monument shall be prepared and filed with the county surveyor's office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,
- (a) There is no U.S. public land survey monument record for the corner on file with the county surveyor; or
- (b) The land surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record file with the county surveyor's office; or
- (c) The witness ties or U.S. public survey monument referenced in an existing U.S. public survey monument record have been destroyed or disturbed.

s. 236.21 (1) PROFESSIONAL LAND SURVEYOR'S CERTIFICATE:

The Professional Land Surveyor's Certificate must state:

- (a) Who directed the Professional Land Surveyor to make the survey, subdivision and plat.
- (b) A clear, concise description of the subdivision location, by government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county.
-A metes and bounds description is required for all previously unplatted lands, commencing with a USPLS corner of the 1/4 section (not center of section), recorded private claim, or Federal Reservation in which the subdivision lies. (Note: private claims are land grants existing prior to the USPLS surveys.)
-A subdivision plat that contains only a lot or lots, an outlot or outlots, or a designated block within a recorded subdivision or Certified Survey Map that has been previously tied to the USPLS, in their entirety, or a recorded subdivision in its entirety, must be described by reference to said lot(s), outlot(s), block(s), subdivision, or CSM number; a metes and bounds description is not required.
- (c) That the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
- (d) That the Professional Land Surveyor has fully complied with the provisions of Chapter 236.
-The certificate must be signed and dated.
-All sheets of the plat must be signed, dated, and sealed by the Professional Land Surveyor who prepared or directed the preparation of the plat.

WISCONSIN FINAL SUBDIVISION PLAT CHECKLIST

APPROVAL CERTIFICATES

- The following Approval Certificates are required on the plat:

Subdivision Location:

Town
Town, within extraterritorial approval jurisdiction of municipality
Village or City
Village in Brown County

Approval Certificate(s):

Town, County
Town, County, municipality
Village or City
Village, County

-Additional approvals may be required by local government (plan commissions, etc), but do not replace those shown above.

-Approval authorities must be listed in the owner's certificate.

-Approval certificates should be in the format required by the approval authorities.

MISCELLANEOUS

-A 2-1/4" x 4" clear space must be provided on each sheet for the certificate of no objection stamp that Plat Review is required to place on the plat. (The stamp can be imported into the drawing from the Plat Review web site.)

Objecting agencies that must be shown in the owner's certificate:

All plats with state review
All plats with state review adjoining a state hwy
Plats in Village or City in County with objecting authority
Plats in Village or City in County with objecting authority, adjoining state hwy

Objecting Agencies:

DOA
DOA, DOT
DOA, CPA
DOA, DOT, CPA

DOA = Department of Administration DOT = Department of Transportation

CPA = County Planning Agency with objecting authority in municipalities

COUNTIES WITH OBJECTING AUTHORITY IN MUNICIPALITIES

Brown County Planning Commission (objecting in cities only, approving in villages)

Calumet County Planning and Zoning Committee

Dane County Zoning & Natural Resources Committee

Dodge County Planning & Development Department

Door County Planning Department

Fond du Lac County Planning Agency

Jefferson County Planning & Zoning Department

Juneau County Zoning Administrator (except city of Mauston)

Manitowoc County Planning & Park Commission

Milwaukee County Department of Public Works

Oconto County Planning & Zoning Committee

Racine County Planning & Development

Rock County Planning & Development Agency

St. Croix County Zoning Office

Sheboygan County Planning & Resources Department (except City of Sheboygan)

Washington County Planning & Parks Commission

Waukesha County Parks & Land Use Department

Winnebago County Planning & Zoning Committee

NOTE: This checklist is a broad guide to platting requirements, and is not meant to cover all requirements. Please contact Plat Review to discuss unusual circumstances or any other platting issues.

VACATIONS

PROCESS

Application

The circuit court of the county in which the subdivision plat (plat) or Certified Survey Map (CSM) is located may vacate or alter, all or part of, a recorded plat or CSM when:

- The owner of the plat or CSM or the owner of any lot therein applies to the circuit court for a vacation.
- The county board applies to the circuit court if the county has any interest in the subdivision plat or CSM or any lot therein by tax deed.

s. 236.40 &
s. 236.34 (4),
Wis. Stats

A recorded plat may be replatted under s. 236.36 without undertaking the court proceedings set forth in 236.40, 236.41 and 236.42, when the replat complies with the requirements of ch. 236 applicable to original plats and does not alter areas dedicated to the public. **(58 Atty. Gen. 145)**

Notice

Notice of the application for the vacation or alteration of a plat or CSM must be given at least 3 weeks before the application is submitted to the circuit court by:

- Posting the written notice in at least 2 of the most public places in the county; **and**
- Publishing a "Class 3 Notice" as per Ch. 985 Wis. Stats. (see example this section); **and**
- Serving notice to the municipality or town (and county if population exceeds 500,000) in the manner required for the service of a summons in the circuit court; **and**
- Mailing a copy of the notice to the owners of record of all the lots in the plat or CSM or the part thereof proposed to be vacated or altered at their last known address.

s. 236.41, Wis.
Stats.

A "Class 3 Notice" requires "3 Insertions".

Insertion is defined as "once per week, for the required number of weeks (3, for a class 3 notice), the last of which shall be at least one week prior to the meeting or event, unless otherwise specified by law"

VACATIONS

PROCESS

Orders

s. 236.42, Wis. Stats.

The circuit court may grant an order vacating or altering a plat or CSM or part thereof after:

- Receiving proof that the notices required by s. 236.41, Stats., have been given; **and**
- Hearing from all interested parties.

s. 236.42 (1) (a&b), Wis. Stats.

The circuit court may grant an order vacating or altering a plat or CSM or part thereof except for:

- Areas dedicated to and accepted by the public for public use (except as provided in s. 236.43, Stats., next page).
- Alleys at the rear of lots fronting on county or state trunk highways without the prior approval of the county board or the Department of Transportation.

Whenever any public roadway or public land is vacated or discontinued, the easements and restrictions over the described land continue.

If easements and restrictions are to be released, a "written release," by the public body or utility having the right of enforcement, must be made part of the vacation or discontinuance.

The "written release" must be referenced in the resolution, ordinance or court order.

VACATIONS

PROCESS

s. 236.43, Wis. Stats.

Areas dedicated to the public

The circuit court may vacate streets and roads if:

- The plat or CSM was recorded 40 years before the application is filed; **and**
- The streets and roads were never improved; **and**
- The streets and roads are not necessary to reach platted property; **and**
- All of the owners of land in the plat or CSM or part thereof sought to be vacated, and the municipality or town in which the street or road is located, have all joined the application for vacation.

The circuit court may vacate platted public parks and public land in a city, village or town if:

- The land was never developed or used by the municipality or town for a park or public area so designated on the plat; **and**
- The municipality or town files an application for vacation with the circuit court.

s. 236.16 (3), Wis. Stats

Public access to navigable water established under Ch. 236, Wis. Stats. may only be vacated by circuit court action.

Section 236.36 permits the replat of a part of a previously recorded subdivision plat, without circuit court action, when the only areas dedicated to the public in that portion of the original subdivision being replatted, were discontinued streets fully and properly vacated under s. 66.1003. (63 Atty. Gen. 210)

VACATIONS

EXAMPLE OF CLASS 3 PUBLIC NOTICE FOR VACATION OF PUBLIC ACCESS

NOTICE - TOWN OF FRANCE

The APPLICATION FOR VACATION OF THE PUBLIC ACCESS TO LAKE HAWKINS located in the Second Addition to Yokum Cove, Town of France, Kickapoo County, Wisconsin will be on file in the Town Hall, 123 Jubilation Drive, telephone 987-3456, and the United States Post Office, Village of Dogpatch, telephone 987-7890, for a period of 30 days commencing January 2, 2000 for public inspection in accordance with Section 236.41, Wis. Stats. Persons interested in inspecting this application may do so Monday through Friday from 7:45 a.m. to 11:30 a.m. and from 12:30 p.m. through 4:00 p.m., after which the application for vacation will be presented to the Town Board of the Town of France on February 2, 2000 to hear all interested parties and act on a resolution authorizing said vacation. Following the passage of said resolution the matter will be presented to the Circuit Court of the County of Kickapoo for the hearing of all interested parties and the order of vacation.

Sam Sickleblade Town Chair, Town of France

Charlie Augerhandle, Clerk Town of France

Publish: January 2, 2000

VACATIONS

A GUIDE TO VACATING A PUBLIC DEDICATION WITHIN RECORDED SUBDIVISION PLAT OR CSM

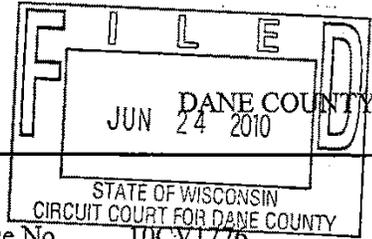
- 1) Identify area to be vacated.
- 2) Identify owners affected by proposed vacation.
- 3) Contact local unit of government (usually Corporation Counsel) in which proposed vacation lies.
- 4) Draft application for vacation of public area:
 - A. Assemble evidence that the required conditions have been met and that the proposed vacation complies with statutory provisions.
 - B. Prepare map to exhibit area to be vacated.
 - C. Draft petition for vacation and obtain signatures of owners.
- 5) Present draft application to the local unit of government (usually Corporation Counsel) to be assembled into a resolution for public to view.
- 6) Provide Public Notification in accordance with statutory provisions by:
 - A. Posting notice in at least 2 of the most public places in county.
 - B. Publishing a "Class 3 Notice".
 - C. Serving notice in the form of a summons to the municipality or town.
 - D. Mailing a copy of the written notice to owners of record.
- 7) A minimum of 1 week following the minimum time for public notification, schedule a public hearing with the legislative body of the local unit of government.
- 8) Offer resolution authorizing vacation to local legislative body for adoption.
- 9) If resolution is adopted, present resolution, proof of notification, and other supporting documentation to Circuit Court for that jurisdiction for final hearing and court order.
- 10) Recording Court Order: The Applicant shall record in the office of the Register of Deeds the Court Order and a map showing the part of the plat or CSM being vacated or altered.

VACATIONS

EXAMPLE ORDER FOR VACATION OF PUBLIC DEDICATION

STATE OF WISCONSIN

CIRCUIT COURT



In Re: The Vacation of a Part of the
1st Addition to Allied Terrace Plat,
Located in the City of Madison,
Dane County, Wisconsin

Case No. 10CV1776

Case Type: Other Real Estate

Case Code: 30405

ORDER VACATING PORTIONS OF LAND CONSISTING OF A PART OF THE 1ST ADDITION TO ALLIED TERRACE PLAT

The above captioned matter, having come before the Court pursuant to the Joint Petition and Amended Joint Petition of the City of Madison and the Community Development Authority of the City of Madison (CDA), the Court having heard the arguments of the Joint Petitioners at a hearing on the 2nd of June, 2010, and having reviewed the affidavits and petitions on file herein, it is hereby ordered as follows:

1. That the Joint Petitioners' Amended Joint Petition is hereby accepted, the amendments being made to the April 5, 2010 Joint Petition being found not to have any effect on this Court's June 2, 2010 ruling on the Joint Petition.
2. That the area to be vacated, as described below, is part of a public outlet in the 1st Addition to Allied Terrace Plat that was "dedicated to the public" and accepted by the City of Madison on July 11, 1963. The area to be vacated has remained in an undeveloped and unimproved state, and has not been used or improved as a street, road, other public way, public square, public park or playground.
3. That the Joint Petitioners, being owners of lots in the 1st Addition to Allied Terrace Plat, meet the requirements of Wis. Stat. § 236.40(1).
4. That all of the notice requirements of Wis. Stat. § 236.41 were met.

1

EXHIBIT A

VACATIONS

EXAMPLE ORDER FOR VACATION OF PUBLIC DECICATION

5. That the following requirements of Wis. Stat. § 236.43(1) have been met:
 - a. The 1st Addition to Allied Terrace Plat was recorded more than 40 years previous to the filing of the application for vacation;
 - b. During the period since the recording of the Plat, the area to be vacated was not improved as a public way;
 - c. The area to be vacated is not necessary to reach other platted property; and
 - d. CDA and the City of Madison are the only owners of the land in the part of the Plat to be vacated, and the common council of the City of Madison, where the land to be vacated is located, joins CDA in the application for vacation.

6. That the Court, having heard from all interested parties at the June 2, 2010 hearing on the Joint Petition, hereby grants the Amended Joint Petition and orders that, pursuant to Wis. Stat. § 236.42(1), that part of the 1st Addition to Allied Terrace Plat consisting of the following described real property, and more particularly depicted on Sheet 2 of attached Exhibit 1 which is incorporated herein by reference, be and hereby is vacated, including any portions thereof which have been dedicated to and accepted by the public for public use:

Part of the lands shown as “Dedicated to the Public” in the Recorded Plat of 1st Addition to Allied Terrace lying Easterly and Adjacent to Lots 89, 97, 98, 99, 100, and 101 in said Plat, and lying Easterly and Adjacent to Lots 1, 2, and 4 in Certified Survey Map #12506, being part of the NE ¼, SW ¼, and SE ¼ of the NW ¼ of Section 5, T6N, R9E, in the City of Madison, Dane County, Wisconsin.
To-wit:

Commencing at the NE corner of Lot 89, First Addition to Allied Terrace thence along the Westerly line of the lands shown as Dedicated to the Public, N08°51'00"W, 109.54 feet to the point of beginning; thence continuing along said

VACATIONS

EXAMPLE ORDER FOR VACATION OF PUBLIC DEDICATION

Westerly line, N08°51'00"W, 101.11 feet; thence continuing along said Westerly line N01°53'36"E, 221.76 feet to a point on a curve; thence Northeasterly along a curve to the left which has a radius of 280.00 feet and a chord which bears N23°20'52"E, 204.73 feet; thence S00°05'57"E, 281.39 feet to a point on a curve; thence Southeasterly along a curve to the right which has a radius of 268.00 feet and a chord which bears S00°54'09"W, 9.37 feet; thence S01°54'15"W, 111.05 feet to a point of curve; thence Southwesterly along a curve to the right which has a radius of 268.00 feet and a chord which bears S16°10'12"W, 132.08 feet; thence N59°46'41"W, 37.93 feet to the point of beginning. This parcel contains 30,773 sq. ft.

Together with the following:

Commencing at the NE corner of Lot 89, First Addition to Allied Terrace thence along the Westerly line of the lands shown as Dedicated to the Public, N08°51'00"W, 210.65 feet; thence N01°53'36"E, 332.82 feet to a point on a curve and the point of beginning; thence continuing N01°53'36"E, 312.78 feet to a point on a curve; thence Southeasterly along a curve to the left which has a radius of 560.00 feet and a chord which bears S18°11'57"E, 3.72 feet to a point of reverse curve; thence Southeasterly along a curve to the right which has a radius of 220.00 feet and a chord which bears S08°14'23"E, 77.49 feet; thence S01°54'15"W, 153.51 feet to a point of curve; thence Southwesterly along a curve to the right which has a radius of 220.00 feet and a chord which bears S12°29'47"W, 80.88 feet to the point of beginning. This parcel contains 3,878 sq. ft.

Dated at Madison, Wisconsin, this 24 day of June, 2010.



Hon. John Albert
Dane County Circuit Court, Branch 3

VACATIONS

EXAMPLE ORDER FOR VACATION OF PUBLIC DEDICATION

DESCRIPTION

Part of Lands shown as Dedicated to the Public in the Recorded Plat of First Addition to Allied Terrace lying Easterly and Adjacent to Lots 89, 97, 98, 99, 100, and 101 in said Plat being part of the NE ¼, SW ¼, and SE ¼ of the NW ¼ of Section 5, T6N, R9E, in the City of Madison, Dane County, Wisconsin.

To-wit:

Commencing at the NE corner of Lot 89, First Addition to Allied Terrace thence along the Westerly line of the lands shown as Dedicated to the Public, N08°51'00"W, 109.54 feet to the point of beginning; thence continuing along said Westerly line, N08°51'00"W, 101.11 feet; thence continuing along said Westerly line N01°53'36"E, 221.76 feet to a point on a curve; thence Northeasterly along a curve to the left which has a radius of 280.00 feet and a chord which bears N23°20'52"E, 204.73 feet; thence S00°05'57"E, 281.39 feet to a point on a curve; thence Southeasterly along a curve to the right which has a radius of 268.00 feet and a chord which bears S00°54'09"W, 9.37 feet; thence S01°54'15"W, 111.05 feet to a point of curve; thence Southwesterly along a curve to the right which has a radius of 268.00 feet and a chord which bears S16°10'12"W, 132.08 feet; thence N59°46'41"W, 37.93 feet to the point of beginning. This parcel contains 30,773 sq. ft.

TOGETHER WITH:

Part of Lands shown as Dedicated to the Public in the Recorded Plat of First Addition to Allied Terrace lying Easterly and Adjacent to Lots 89, 97, 98, 99, 100, and 101 in said Plat being part of the NE ¼, SW ¼, and SE ¼ of the NW ¼ of Section 5, T6N, R9E, in the City of Madison, Dane County, Wisconsin.

To-wit:

Commencing at the NE corner of Lot 89, First Addition to Allied Terrace thence along the Westerly line of the lands shown as Dedicated to the Public, N08°51'00"W, 210.65 feet; thence N01°53'36"E, 332.82 feet to a point on a curve and the point of beginning; thence continuing N01°53'36"E, 312.78 feet to a point on a curve; thence Southeasterly along a curve to the left which has a radius of 560.00 feet and a chord which bears S18°11'37"E, 3.72 feet to a point of reverse curve; thence Southeasterly along a curve to the right which has a radius of 220.00 feet and a chord which bears S08°14'23"E, 77.49 feet; thence S01°54'15"W, 153.51 feet to a point of curve; thence Southwesterly along a curve to the right which has a radius of 220.00 feet and a chord which bears S12°29'47"W, 80.88 feet to the point of beginning. This parcel contains 3,878 sq. ft.

This instrument was drafted by:

Arnold and O'Sheridan, Inc.

December 11, 2009

Corrected June 8, 2010

Job # 090218

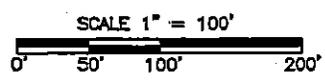
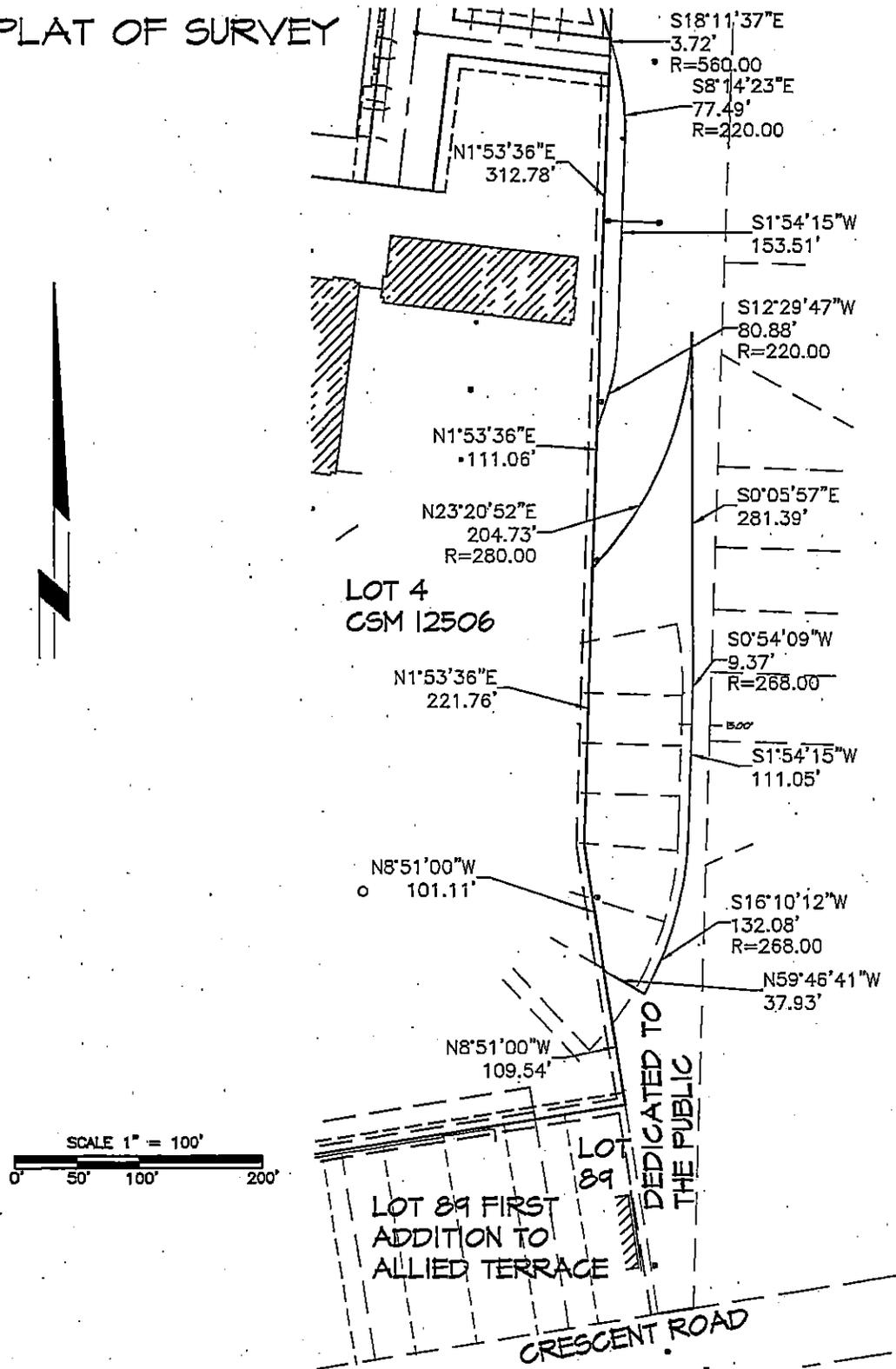
Sheet 1 of 2

Exhibit 1

VACATIONS

EXAMPLE ORDER FOR VACATION OF PUBLIC DECICATION

PLAT OF SURVEY



THIS INSTRUMENT WAS DRAFTED BY FRANCIS THOUSAND

DECEMBER 11, 2009
090218
SHEET 2 OF 2

DISCONTINUANCES

PROCESS

A platted street or road may be altered or discontinued (except in a first class city) by common council, village board, town board or county board resolution when:

A written petition is received from owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued of public way sought to be discontinued **and** owners of more than 1/3 of the land fronting the remainder of the street or road within 2,650 ft. from either end of the portion to be discontinued within the corporate limits of the city, village, town.

OR

The common council, village board, town board or county board may initiate the alteration or discontinuance by introducing a resolution declaring that the "public interest requires it". Proper noticing and a public hearing is required (see example this section).

No discontinuance can be ordered if a written objection is filed by any owner fronting the portion of public way sought to be discontinued **or** by the owners of more than 1/3 of the land fronting the remainder of the street or road within 2,650 ft. from either end of the portion to be discontinued. If a written objection is filed, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance. An owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32.

The narrowing, widening, extending or other alteration of a street or road does not constitute a discontinuance if the alteration falls entirely within a new right-of-way which is being "Dedicated to the Public".

s. 236.445, Wis. Stats. &
s. 66.1003, Wis. Stats.

s. 66.1003 (4)
Wis. Stats.

DISCONTINUANCES

PROCESS

If a common council, village board, town board or county board initiates a platted street or road alteration or discontinuance:

s. 66.1003 (4) (b),
Wis. Stats.

- **A public hearing on the passage of the resolution** must be set not less than 40 days after the introduction of the resolution; **and**
- **The notice of the public hearing** must state when and where the resolution will be acted upon and what platted street or road, or part thereof, is proposed to be altered or discontinued; **and**
- **This notice must be published as a "Class 3 Notice"** as per Ch. 985, Wis. Stats. (see example this section); **and**
- **The owners must be served with a notice** in the manner required for the service of a summons in the circuit court at least 30 days prior to the public hearing.

When such "service" can't be made within the city, village or town, a copy of the notice must be mailed to the owner's last known address at least 30 days prior to the public hearing.

A "Class 3 Notice" requires "3 Insertions".

Insertion is defined as "once per week, for the required number of weeks (3, for a class 3 notice), the last of which shall be at least one week prior to the meeting or event, unless otherwise specified by law."

DISCONTINUANCES

PROCESS

In addition, the procedure in s. 840.11, Wis. Stats., must also be followed:

s. 66.1003 (9),
Wis. Stats. and s.
840.11 (1), Wis.
Stats.

- A notice of pendency (notice of lis pendens) must be filed in the register of deeds office at or prior to the time the application to vacate (by court action), or alter or discontinue (by resolution) a street or road must be filed with the proper officer.
- The notice of pendency must contain the persons name, a brief statement of the object thereof and a map and description of the land that is affected.
- Failure to comply with the provisions of s. 840.11, Wis. Stats., shall render all proceedings based on the application void.

REVERSION

Upon discontinuance, a platted street or road right-of-way reverts:

s. 66.1005 (1),
Wis. Stats.

- To the owner(s) of the adjoining land, OR;
- If the discontinued land lies between lands of different owners, then to the lots from where the discontinued land originated, OR;
- If it can not be determined from where the discontinued land originated, then the land is equally divided between the owners on either side of the centerline of the discontinued street or road.

s. 66.1005 (2)(a),
Wis. Stats.

Whenever any public roadway or public land is vacated or discontinued, any easements or restrictions over the described land continue unless the easements or restrictions are released in writing by the owner of the easements or by the public body or utility having the right of enforcement. Such written release must be made part of the discontinuance resolution.

If easements or other rights over the discontinued land remain unused for 4 years from the date of discontinuance, said easements and rights are deemed to be terminated.

DISCONTINUANCES

PUBLIC ACCESS

Department of natural resources approval of discontinuance. No resolution, ordinance, order, or similar action of a town board or county board, or of a committee of a town board or county board, discontinuing any highway, street, alley, or right-of-way that provides public access to any navigable lake or stream shall be effective until such resolution, ordinance, order, or similar action is approved by the department of natural resources.

s. 66.1006, Wis. Stats.

NR 1.92, Wis. Admin. Code

RELIEF FROM CONDITIONS OF GIFTS AND DEDICATIONS

If the governing body of a county, city, town or village accepts a gift or dedication of land made on condition that the land be devoted to a special purpose, and the condition subsequently becomes impossible or impracticable, the governing body may by resolution or ordinance enacted by a two-thirds vote of its members-elect either to grant the land back to the donor or dedicator or the heirs of the donor or dedicator, or accept from the donor or dedicator or the heirs of the donor or dedicator, a grant relieving the county, city, town or village of the condition, pursuant to [article XI, section 3a](#), of the constitution.

s. 66.1025, Wis. Stats.

DISCONTINUANCES

EXAMPLE RESOLUTION FOR DISCONTINUANCE OF A PUBLIC STREET

RESOLUTION - NUMBER 2000-01

A RESOLUTION APPROVING THE DISCONTINUANCE OF PORTIONS OF A VILLAGE STREET INVOLVED WITH THE REHABILITATION OF THE ENDANGERED LEAP-FROG HABITAT PURSUANT TO WIS. STAT. SEC. 66.1003.

WHEREAS, Kickapoo County and the Prime Meridian Corporation would like the Village of Dogpatch, on its own motion, to discontinue Johnson Street from its intersection with the Northerly railroad right-of-way, north to its intersection with the southerly right-of-way of Chicken Ridge Road.

WHEREAS, the discontinuance of the above described portion of Johnson Street will make the rehabilitation of the endangered leap-frog habitat more feasible.

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of Johnson street is hereby discontinued in conformance with Wis. Stat. Sec. 66.1003 with the Village retaining the necessary utility easements in the discontinued streets, and the Clerk is directed to give notice of hearing thereon by Class 3 notice under Chapter 985 Wis. Stats.

Presented for filing this 1st day of November , 1999 and for hearing thereon December 23, 1999 by the following trustees of the Village Board.

Adopted this 23 day of December, 1999

Sam Sickleblade, Trustee, Village of Dogpatch

Charlie Augerhandle, Clerk, Village of Dogpatch.

I, Charlie Augerhandle, Clerk of the Village of Dogpatch, Kickapoo County, Wisconsin do hereby certify that the above is a true and correct copy of Resolution No. 2000-01 adopted on December 23, 1999 and approved December 23, 1999 by the Board of Trustees, in the Village of Dogpatch, Kickapoo County, Wisconsin.

DISCONTINUANCES

A GUIDE TO DISCONTINUING A PUBLIC STREET WITHIN RECORDED SUBDIVISION PLAT

Discontinuance initiated by the owners of the land fronting the street:

1. All of the owners of the land "fronting" on the portion of street to be discontinued must sign a "written petition" which will be submitted to the local unit of government; AND
2. Owners of more than 1/3 of the land fronting on the remainder of the street, within 2650 ft. in either direction from the portion to be discontinued, must also sign the petition.
3. The "written petition" is submitted to the local unit of government.
4. The local unit of government may pass a resolution discontinuing the street at a properly noticed meeting.

Discontinuance initiated by the local unit of government:

1. The local unit of government may "propose a resolution" to discontinue a street if they deem it in the "public interest" to do so.
2. A public hearing on the "proposed resolution" must be set not less than 40 days after the resolution is introduced.
3. The following noticing requirements must be met for the public hearing:
 - the notice must state when and where the resolution will be acted upon and must clearly show what platted street is proposed to be discontinued;
 - this notice must be published as a "Class 3 Notice"; and
 - in addition to the Class 3 Notice, at least 30 days prior to the public hearing, the owners of the land abutting the portion of street to be discontinued must be "served" in the same manner as required for the service of a summons.
 - when such "service" can't be made within the city, village or town, a copy of the notice must be mailed to the owner's last known address.
4. No discontinuance may be ordered if:
 - ANY owner abutting the street to be discontinued files a "written objection" with the local unit of government; OR
 - If owners of more than 1/3 of the land fronting on the remainder of the street, within 2650 ft. in either direction from the portion to be discontinued, file a "written objection" with the local unit of government.
5. At the properly noticed public meeting, the local unit of government votes on the resolution to discontinue the portion of platted street.
6. The discontinued right-of-way reverts to the original owner. If that can not be determined, then it is divided equally between the owners on either side of the centerline.

******* Contact the Corporation Counsel for filing proper Notice of Lis Pendens*******

EXAMPLE ROAD DISCONTINUANCE
BY RESOLUTION

33 East Main Street
Suite 500
Madison, WI 53703-3095

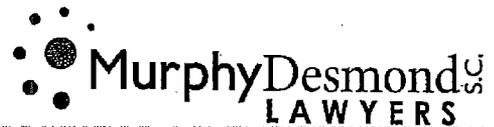
Mailing Address:
P.O. Box 2038
Madison, WI 53701-2038

Phone:
608.257.7181

Fax:
608.257.2508

www.murphydesmond.com

Lawrence E. Bechler
Direct Line 608.268.5601
Facsimile 608.257.4333
lbechler@murphydesmond.com



COPY

6 October 2010

Ms. Tina Butteris
Town Clerk
Town of Windsor
Windsor Town Hall
4084 Mueller Road
DeForest, WI 53532

Re: Windsor Gardens -- Street Vacations

Dear Tina:

The Resolution vacating Anton Bork Trail, Grandpa's Trail, a portion of Florance Ruth Lane, a portion of Covered Bridge Trail and a portion of Morning Dew Lane in the Plat of Windsor Gardens was recorded on September 22, 2010 as Document No. 4693984 and has now been returned to me by the Register of Deeds. This original document should be kept in the Town records with other original documents of this nature.

If you have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Bechler".

Lawrence E. Bechler

LEB:kka
07559.052459
Butteris 100610
Enclosure
cc: Attorney Michael J. Lawton (w/enc.)

4842-1933-9015, v. 1



8 1 8 7 4 1 8
Tx:8121660

**DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
4693984**

09/22/2010 2:34 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 5

COPY

Lawrence E. Bechler
Murphy Desmond S.C.
P.O. Box 2038
Madison, WI 53701-2038

**RESOLUTION DISCONTINUING
ANTON BORK TRAIL, GRANDPA'S TRAIL,
A PORTION OF FLORANCE RUTH LANE,
A PORTION OF COVERED BRIDGE TRAIL AND
A PORTION OF MORNING DEW LANE
IN THE TOWN OF WINDSOR, DANE COUNTY, WISCONSIN**

WHEREAS, the Town Board of the Town of Windsor declares that the public interest requires that Anton Bork Trail, Grandpa's Trail, part of Florance Ruth Lane, part of Covered Bridge Trail and part of Morning Dew Lane, all in the Town of Windsor ought to be discontinued and vacated, being fully described on Exhibit "A" attached hereto;

Tax Parcel No.

WHEREAS, this Resolution was introduced before the Town Board of the Town of Windsor on August 5, 2010, Notice of Pendency of Application to Vacate the above-described property was filed with the Register of Deeds for Dane County on August 10, 2010; Notice of Hearing was duly published in the *DeForest Times Tribune*, a copy of said Notice was served more than 30 days prior to the hearing in the manner prescribed by law on the owners of all of the frontage of the lots and lands abutting upon the portion of said street to be discontinued or a waiver of notice thereof was received; and a public hearing was held before the Town Board of the Town of Windsor on September 16, 2010, at 6:00 o'clock p.m.; and

WHEREAS, no sufficient written objection to the said discontinuance and vacation has been filed with the Clerk;

NOW, THEREFORE, in accordance with the authority vested in the Town Board by § 66.1003, Wis. Stats.,

BE IT RESOLVED by the Town Board of the Town of Windsor that Anton Bork Trail, Grandpa's Trail, a portion of Florance Ruth Lane, a portion of Covered Bridge Trail and a portion of Morning Dew Lane above-described be, and the same hereby are, vacated and discontinued, since the public interest requires it.

5
cc

The above and foregoing Resolution was duly adopted by the Town Board of the Town of Windsor at a regular meeting held on September 16, 2010.

TOWN OF WINDSOR

Alan J. Harvey
Alan J. Harvey, Town Board Chairperson

Robert E. Wipperfurth
Robert E. Wipperfurth, Supervisor

Donald G. Madelung
Donald G. Madelung, Supervisor

Bruce R. Stravinski
Bruce R. Stravinski, Supervisor

Martin A. Palus
Martin A. Palus, Supervisor

ATTEST:

Tina A. Butteris
Tina A. Butteris
Finance Officer/Clerk-Treasurer

VOTE:

Ayes: 5
Noes: 0

I certify that on the 16th day of September, 2010, the above Resolution Discontinuing Anton Bork Trail, Grandpa's Trail, a Portion of Florance Ruth Lane, a Portion of Covered Bridge Trail and a Portion of Morning Dew Lane in the Town of Windsor, Dane County, Wisconsin was adopted by a vote of 5 ayes and 0 nays by the Town Board of the Town of Windsor, Dane County, Wisconsin.

This instrument drafted by:
Attorney Lawrence E. Bechler

Tina A. Butteris
Tina A. Butteris, Town Clerk

EXHIBIT A
Description of Streets to be Vacated

Anton Bork Trail, Grandpa's Trail, part of Florance Ruth Lane, part of Covered Bridge Trail, and part of Morning Dew Lane, being part of the Northwest 1/4 of the Southeast 1/4, part of the Northeast 1/4 of the Southeast 1/4 and part of the Southwest 1/4 of the Southeast 1/4 of Section 25, T9N, R10E, Town of Windsor, Dane County, Wisconsin more particularly described as follows: commencing at the East 1/4 corner of said Section 25; then along the Northerly line of the plat of Windsor Gardens S89°55'42"W, 1307.71 feet; thence continuing along said Northerly line S00°04'18"E, 4.50 feet; thence continuing along said Northerly line S89°55'42"E, 605.65 feet to a point on a curve and the point of beginning; thence along a curve to the left having a radius of 162.50 feet and a chord bearing and distance of S19°45'51.5"E, 166.72 feet to a point of reverse curvature; thence along a curve to the right having a radius of 578.50 feet and a chord bearing and distance of S41°04'02.5"E, 192.16 feet to a point of reverse curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of S69°05'54"E, 18.30 feet to a point of reverse curvature; thence along a curve to the right having a radius of 533.00 feet and a chord bearing and distance of N75°16'10"E, 36.44 feet to a point of tangency; thence N77°13'43"E, 246.28 feet to a point of curvature; thence along a curve to the right having a radius of 215.00 feet and a chord bearing and distance of S55°57'28.5"E, 313.53 feet to a point of reverse curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of S48°07'17.5"E, 18.87 feet to a point of tangency; thence S87°05'55"E, 219.01 feet; thence S02°54'05"W, 66.00 feet; thence N87°05'55"W, 219.02 feet to a point of curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of S53°55'28.5"W, 18.87 feet to a point of reverse curvature; thence along a curve to the right having a radius of 215.00 feet and a chord bearing and distance of S39°32'24"W, 178.95 feet to a point of tangency; thence S64°07'57"W, 168.56 feet to a point of curvature; thence along a curve to the left having a radius of 467.00 feet and a chord bearing and distance of S57°05'12"W, 114.56 feet to a point of tangency; thence S50°02'28"W, 255.40 feet to a point of curvature; thence along a curve to the left having a radius of 447.00 feet and a chord bearing and distance of S24°41'46.5"W, 382.69 feet to a point of tangency; thence S89°21'06"W, 66.00 feet to a point of curvature; thence along a curve to the right having a radius of 513.00 feet and a chord bearing and distance of N24°41'46.5" E, 439.19 feet to a point of tangency; thence N50°02'28"E, 255.39 feet to a point of curvature; thence along a curve to the right having a radius of 533.00 feet and a chord bearing and distance of N57°05'12"E, 130.75 feet to a point of tangency; thence N64°07'57"E, 168.56 feet to a point of curvature; thence along a curve to the left having a radius of 149.00 feet and a chord bearing and distance of N19°19'09.5"W, 296.06 feet to a point of tangency; thence S77°13'43"W, 246.28 feet to a point of curvature; thence along a curve to the left having a radius of 379.52 feet and a chord bearing and distance of S63°23'48"W, 181.47 feet to a point of tangency; thence S49°33'52"W, 555.36 feet to a point of curvature; thence along a curve to the left having a radius of 281.00 feet and a chord bearing and distance of S24°27'29"W, 238.46 feet to a point of tangency; thence N88°17'36"W, 90.61 feet to a point of curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of N45°47'39"E, 20.67 feet to a point of reverse curvature; thence along a curve to the right having a radius of 357.00 feet and a chord

EXHIBIT A
Description of Streets to be Vacated

bearing and distance of N25°54'02"E, 286.58 feet to a point of tangency; thence N49°33'52"E, 514.74 feet to a point of curvature; thence along a curve to the right having a radius of 533.00 feet and a chord bearing and distance of N55°47'56.5"E, 115.77 feet to a point of reverse curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of N14°15'12.5"E, 22.22 feet to a point of compound curvature; thence along a curve to the left having a radius of 502.50 feet and a chord bearing and distance of N42°04'37.5"W, 149.42 feet to a point of reverse curvature; thence along a curve to the right having a radius of 238.50 feet and a chord bearing and distance of N43°42'20"W, 57.49 feet to a point of reverse curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of N76°19'34.5"W, 19.10 feet to a point of tangency; thence S64°07'52"W, 24.17 feet to a point of curvature; thence along a curve to the right having a radius of 133.00 feet and a chord bearing and distance of S79°39'53"W, 71.23 feet to a point of tangency; thence N84°48'07"W, 96.38 feet to a point of curvature; thence along a curve to the left having a radius of 200.00 feet and a chord bearing and distance of S88°59'46.5"W, 43.21 feet to a point of tangency; thence S82°47'41"W, 418.06 feet to the Westerly line of said plat of Windsor Gardens; thence along said Westerly line N00°38'54"W, 66.44 feet; thence N82°47'41"E, 410.47 feet to a point of curvature; thence along a curve to the right having a radius of 266.00 feet and a chord bearing and distance of N88°59'47.5"E, 57.47 feet to a point of tangency; thence S84°48'07"E, 96.38 feet to a point of curvature; thence along a curve to the left having a radius of 67.00 feet and a chord bearing and distance of N79°39'53"E, 35.89 feet to a point of tangency; thence N64°07'52"E, 34.36 feet to a point of curvature; thence along a curve to the left having a radius of 15.00 feet and a chord bearing and distance of N24°48'56"E, 19.01 feet to a point of reverse curvature; thence along a curve to the right having a radius of 228.50 feet and a chord bearing and distance of N03°19'35"W, 88.56 feet to the said Northerly line of the plat of Windsor Gardens; thence along said Northerly line N89°55'42"E, 66.90 feet to the point of beginning. The above described parcel contains 279,666 square feet or 6.420 acres.

4849-5841-5111, v. 1

RESTRICTION RELEASES

PURPOSE

s. 236.293, Wis.
Stats.

Restriction releases are required whenever dividing or redividing land necessitates that a restriction or easement be terminated or relocated, or when the restriction or easement is no longer in force.

On recorded subdivision plats such releases must be executed, in writing, by whomever has the right of enforcement (i.e. government bodies, public/private utilities, homeowners associations, subdivider).

The approving authorities and objecting agencies that had plat review jurisdiction for the recorded plat, and/or the public utilities or other entities having the right to service the affected area may need to release the restriction or easement.

Frequently, subdivisions redivide or replat land in a recorded plat. Before Plat Review certifies no objection to the proposed subdivision, easements and restrictions from the previous plat which are not shown on the new plat must be released in writing by the public body, public utility, or other public or private entity having the right of enforcement.

Examples of Restrictions/Easements that may be released

- Public utility/water/sewer easements
- Stormwater drainage easements
- Lot restricted to mound type septic system
- Ingress/egress easement
- Various environmental preservation easements or restrictions
- Highway setback
- Emergency access easement
- Restricted access to public street
- No building on outlot restriction

RESTRICTION RELEASES

PROCEDURE

As an example, the procedure for releasing an outlot building restriction is outlined below. Note that most releases are handled locally. Plat Review is only involved in outlot releases and mound restriction waivers; however, the procedure for releasing other types of restrictions or easements is similar.

To release a "building restriction" on an outlot,

s. 236.13 (6), Wis. Stats., provides that to be buildable, the outlot must comply with all requirements imposed by statute, administrative rule and local ordinances with respect to building sites (see example in this section).

A written request for release must be submitted to Plat Review.

The request must include:

- any required soils information;
- the name and location of the recorded plat;
- the name, address and phone number of the person requesting the release;
- the Department of Commerce review fee.

Plat Review will then:

- **Send copies to the District Wastewater Specialist and all other objecting agencies who previously reviewed the plat.** They review the request and recommend or oppose releasing the restriction.
- **Determine if the outlot complies with s.236.15 and s.236.20, Stats.,** minimum layout standards and requirements for a building site.
- **Send a letter to all interested parties officially releasing the restriction** after receiving notice from the Wastewater Specialist, and from any other objecting authorities, recommending that the restriction be released.

The written release is then incorporated into a Correction Instrument under s. 236.295, Wis. Stats. This action gives notice to the public that the restriction on the recorded plat is no longer in effect.

Per s. 236.295, Wis. Stats. the Register of Deeds adds a note to the recorded subdivision plat or Certified Survey Map that references recording data for the correction instrument.

SAMPLE OUTLOT RESTRICTION RELEASE LETTER

This letter is sent by Plat Review to the parcel owner to provide confirmation that a restriction release has been granted.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JAMES E. DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY

Plat Review

101 E. Wilson St FL 6, Madison, Wisconsin 53703
P.O. Box 1645, Madison, Wisconsin 53701-1645
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov> search keyword = subdivision

July 31, 2001

PERMANENT FILE NO. 18243

KEVIN SCHOEN
W5711 POERTNER ROAD
NEILLSVILLE WI 54456

Subject: RESTRICTION RELEASE REQUEST
OUTLOT 8 WINDY POINT ADDITION
NE 1/4 & SW 1/4 S 36 T23N R3W
TOWN OF DEWHURST, CLARK COUNTY

Dear Mr. Schoen:

You have requested a written release to allow Outlot 8 of WINDY POINT ADDITION to be used as a building site.

S. 236.13 (6), Wis. Stats., specifies that an outlot may not be used as a building site unless it complies with all restrictions imposed by ch. 236, Stats., with respect to building sites.

The following agencies had review authority for this part of the subdivision:

- Department of Administration (formerly Dept. of Agriculture, Trade and Consumer Protection);
- Department of Commerce (formerly Dept. of Industry, Labor, and Human Relations);
- Town of Dewhurst; and
- Clark County

Therefore, in order for Outlot 8 to be used as a building site, it must comply with all the requirements of s. 236.15 and s. 236.20, Stats., minimum lot layout standards and requirements (lot area, lot width, public street access, etc.); Comm 83 (Subdivisions Not Served By Public Sewers) Wis. Admin. Code; and, the Town of Dewhurst and Clark County ordinances, master plans and official maps.

Department of Administration:

I have reviewed our permanent file on WINDY POINT ADDITION and find that Outlot 8 complies with s. 236.15 and s. 236.20, Stats., minimum lot layout standards and requirements.

Page 2
WINDY POINT ADDITION
Kevin Schoen
July 31, 2001

Department of Commerce:

Mr. Leroy Jansky (Wastewater Specialist), has notified us that the Department of Commerce has determined that Outlot 8 is in compliance with Comm 83.03(3), Wis. Adm. Code. He agrees that your request to use Outlot 8 as a building site is supported with information which indicates that this outlot is acceptable for development with a private onsite wastewater treatment system (POWTS) with the following conditions:

1. Any POWTS installed must be constructed in accordance with applicable requirements of Chapter Comm 83, Wis. Adm. Code, and the Clark Co. Sanitary Ordinance.
2. The release and waiver of this outlot restriction shall be incorporated into a correction instrument under s. 236.295, Wis. Stats. This should eliminate future questions regarding the restriction on the recorded final plat.
3. This certification does not include review of the design of the proposed POWTS. All applicable criteria, as contained in Comm 83, Wis. Adm. Code, must be met prior to issuance of a sanitary permit for a project at this site. In addition, all permits required by the state, county, or the local municipality shall be obtained prior to commencement of construction, installation or operation of a POWTS.

Since neither state agency having review authority object to using Outlot 8 as a building site, the Department of Administration hereby releases the restriction on using Outlot 8 of WINDY POINT ADDITION for building purposes.

We also recommend that this release, along with Town and County approval certificates, be incorporated into a Correction Instrument pursuant to s. 236.295, Wis. Stats. This should eliminate future questions regarding the use of Outlot 8 as a building site.

I hope this leads to a satisfactory resolution of this matter. If there are any questions concerning this review, please contact our office, at the number listed below. For questions regarding the private sewerage system review, please contact Leroy Jansky at (715) 726-2544.

Sincerely,

Renee' Powers, Supervisor
Plat Review
Phone: (608) 266-3200

cc: Clerk, Town of Dewhurst
Clark County Zoning
Department of Commerce

City of Sun Prairie, Wisconsin

A RESOLUTION APPROVING THE RELEASE OF THE ACCESS RESTRICTIONS FOR ALLEY LOADED LOTS 119-124 AND 160-166 ALONG S. LEGACY WAY IN THE GOLDEN MEADOWS SUBDIVISION, CITY OF SUN PRAIRIE, DANE COUNTY, WISCONSIN.

“FOX POINT DEVELOPMENT CORPORATION – RELEASE ACCESS RESTRICTIONS”

Presented: May 18, 2010

Adopted: May 18, 2010

File Number: 11,168

Resolution No.: 10/047

RESOLUTION

WHEREAS, there has been submitted a request by Fox Point Development Corp. to release the access restrictions for the alley loaded lots along S. Legacy Way in the Golden Meadows Subdivision. The subject property is described as Lots 119-124 and Lots 160-166 Golden Meadows, City of Sun Prairie, Dane County, Wisconsin; and,

WHEREAS, the proposed request to release access restrictions is in compliance with all requirements of the City of Sun Prairie’s Subdivision and Zoning Ordinance; and,

WHEREAS, on Tuesday, May 11, 2010, the Plan Commission held a public meeting to consider the request to release access restrictions; and,

WHEREAS, the City Council has carefully reviewed the petition, binding submittal documents, Staff's report and recommendations for Case No: PC10-1840, dated May 3, 2010, and the Plan Commission's report to the City Council dated May 12, 2010, and has determined that the proposed request to release access restrictions on lots 119-124 and 160-166 of Golden Meadows attached hereto as Exhibit A is in the best interests of the City and should therefore be conditionally approved;

NOW, THEREFORE, BE IT RESOLVED that the proposed Fox Point Development Corp. request to release access restrictions is approved for lots 119-124 and 160-166 of Golden Meadows, City of Sun Prairie, Dane County, Wisconsin attached as Exhibit A, which has been duly filed, be, and the same is hereby conditional approved subject to the following conditions:

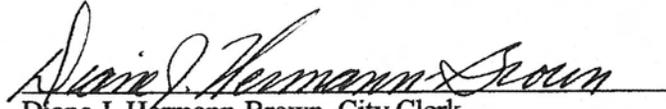
1. Prior to the issuance of any building permits for the subject lots, the applicant shall submit a plan for the funding and implementation of maintenance and future replacement of the portions of the alley that will remain in place. The agreement must be reviewed and approved by the City Attorney.
2. The alley pavement shall be removed except for the following areas: north of Cordgrass Trail to the first manhole (33-15) and 5 feet beyond, which is a total length of approximately 65 feet from the edge of Cordgrass Trail and east of Covington Trail to the third manhole (33-16) and 5 feet beyond, which is approximately 250 feet from the manhole in Covington Trail (33-20). Plans for the pavement removal shall be reviewed and approved by the City Engineering Department.

3. A revised drainage plan for the back of the subject lots shall be submitted to the Engineering Department for review and approval.

APPROVED: 
Joe Chase, Mayor

Date Approved: May 18, 2010

This is to certify that the foregoing resolution was approved by the Common Council of the City of Sun Prairie at a meeting held on the 18th day of May 2010.


Diane J. Hermann-Brown, City Clerk

CORRECTION INSTRUMENTS

PURPOSE

s. 236.295, Wis. Stats.

A **Correction Instrument** is a recorded affidavit prepared by a Wisconsin Registered Land Surveyor that attests to changes made to a recorded subdivision plat or Certified Survey Map as provided for by s. 236.295, Wis. Stats.

s. 236.02 (2m), Wis. Stats.

A Correction Instrument should be used to change technical mapping information when that information does not conform to the plat or map as it exists on the ground.

s. 236.295 (a),(b), (c), Wis. Stats.

Examples:

- Monument descriptions
- Mistakes in bearings and distances on the drawing or in the curve table (i.e. transposed numbers)
- Mistakes and omissions in the Notes (wrong lot or outlot numbers shown in the notes)
- Street names
- Water elevations
- Names or corrections in any certificate
- Location Sketch details
- Parcel areas
- Adding certificates
- Section corner ties
- Adjoining property data
- Adding salient features (wetlands, watercourse, towers, etc.)

s. 236.293, Wis. Stats.

A Correction Instrument should be used to show lawfully modified, released, or terminated easements or other restrictions that affect the recorded plat or CSM, as provided for by s. 236.293, Wis. Stats.

Examples:

- Outlot restriction release
- Mound system restriction release
- Relocation, termination, or modification of any type of easement
- Highway setback variance as granted
- Access restriction release or modification

CORRECTION INSTRUMENTS

PURPOSE

A Correction Instrument **may not** be used to:

- Alter or rearrange any exterior, lot, outlot or street boundary on the recorded subdivision plat or Certified Survey Map.
- Change the name of a recorded subdivision plat.
- Change the lot and outlot numbering in a recorded subdivision plat or Certified Survey Map.
- Change easements or restrictions that have not been lawfully released or terminated.
- Amend or alter any part of an Assessor's Plat.

s. 236.295 (a),
Wis. Stats.

When contemplating if the use of a Correction Instrument is appropriate, always consider the Attorney General opinion 61 O.A.G. 25, which states in part:

"...s. 236.295 does not authorize any change or amendment other than specific corrections of the nature described in s. 236.295. The correction instruments referred to.... are intended to be substituted in the place of inaccurate information or to rectify noncompliance with a statutory standard."

"....true amendments to an original subdivision plat, by way of any modification, deletion or addition to said plat...can only be accomplished under the statutory provisions for vacating and altering subdivision plats, set forth in secs. 236.36 through 236.445...".

REQUIREMENTS

Approvals

Correction Instruments that affect public dedications or restrictions for public benefit, must be approved by the municipality or town board in which the affected subdivision or Certified Survey Map is located.

s. 236.295 (2),
Wis. Stats.

CORRECTION INSTRUMENTS

REQUIREMENTS

Formats

To be accepted for recording, a Correction Instrument must:

- Use one of the standard formats (see examples this section).
- Be on 8 1/2" x 11" or 8 1/2" x 14" - min. 20 lb. white paper.
- Use black or red ink except for signatures.

Layout

Information to be included on a Correction Instrument:

- Document title (e.g. "Affidavit of Correction").
- Name, location and recording information of the subdivision or CSM.
- Certification that the instrument is being used pursuant to s. 236.295.
- Surveyor's signature and seal, dated.
- A clear and concise description of the item to be corrected (e.g. "The south line of lot 1, Yokum Cove").
- The erroneous data and;
- The corrected data.
- Recording data for any associated documents (e.g. easement releases or restriction waivers).
- Supporting documentation (e.g. outlot restriction release letter).
- Approval certificate from the appropriate governing body (when changing areas dedicated to the public or restrictions for public benefit).
- Notary certificate per s. 706.07 (recommended; required for ratifications of a recorded plat or CSM.).

*Future users may have difficulty relating the written description of the Correction Instrument to the recorded plat or map. If possible, include a **DETAIL** of the plat or map area affected by the Correction Instrument.*

s. 59.43 (2) (m), Wis. Stats.

CORRECTION INSTRUMENTS

REQUIREMENTS

Recording

s. 236.295 (1),
Wis. Stats.

The Correction Instrument shall be recorded in the register of deeds office in the county in which the affected subdivision plat or Certified Survey Map is recorded.

s. 236.295 (2) (a),
(b), Wis. Stats.

Upon recording the Correction Instrument, the register of deeds notes upon the affected plat or CSM., the volume and page in which the Correction Instrument is recorded, or by reference in the tract index to the affected plat or CSM.

s. 236.295 (2),
Wis. Stats.

The record of the Correction Instrument, or a certified copy thereof, is sufficient to establish as fact the information within, if the Correction Instrument is used pursuant to s. 236.295, Wis. Stats.

SAMPLE CORRECTION INSTRUMENT FORMAT
(sheet size: 8" x 14" legal)

CORRECTION INSTRUMENT STANDARD DOCUMENT FORMAT-OPTION #1

Document Number 1" X 2"	Document Title	3" x 3" Area For Recording Data
		Name & Return Address Area 1" X 3"
		Parcel Identification Number

SAMPLE CORRECTION INSTRUMENT FORMAT

(sheet size: 8" x 14" legal)

CORRECTION INSTRUMENT STANDARD DOCUMENT FORMAT-OPTION #2

Document Number 1" X 2"	Document Title	3" x 3" Area For Recording Data
Name & Return Address Area 1" X 3"		
Parcel Identification Number		

SAMPLE CORRECTION INSTRUMENT LANGUAGE

DOCUMENT NO. _____	AFFIDAVIT OF CORRECTION
<p><i>THIS FORM IS INTENDED TO CORRECT SCRIVENER'S ERRORS.</i></p> <p><u>THIS FORM SHOULD NOT BE USED FOR THE FOLLOWING PURPOSES WITHOUT THE NOTARIZED SIGNATURES OF THE GRANTOR/GRANTEE*</u></p> <ul style="list-style-type: none"> • Altering boundary lines • Adding property • Altering title/ownership • Deleting property <p>AFFIANT, hereby swears or affirms that the attached document recorded on the ____ day of _____, ____ (year) in volume _____, page _____, as document no. _____ and was recorded in the Register of Deeds of _____ County, State of WI, contained the following error (if more space is needed, please attach an addendum):</p>	
<p>RECORDING AREA</p> <p>NAME AND RETURN ADDRESS</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	
<p>Pin: _____</p> <p>The correction is as follows (if more space is needed, please attach an addendum):</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>A complete original or copy of the original document should be attached.</p> <p>Dated this _____ day of _____, _____</p>	
<p>_____ Affiant's Signature (type name below)</p> <p>_____ *</p> <p>_____ Grantor's Signature (type name below)</p> <p>_____ *</p> <p>_____ Grantor's Signature (type name below)</p> <p>_____ Drafted by: _____</p>	<p>_____ Grantee's Signature (type name below)</p> <p>_____ *</p> <p>_____ Grantee's Signature (type name below)</p> <p>_____ *</p> <p>STATE OF WISCONSIN COUNTY OF _____)) SS.</p> <p>Subscribed and sworn to (or affirmed) before me this _____ day of _____, _____ (type name below)</p> <p>_____ Notary Public, State of Wisconsin My Commission (expires) (is): _____</p>

*Grantor/Grantee as described in Wisconsin State Statutes 706.01(6) WRDA/WRPLA version VI- 10/06/2000

SAMPLE CORRECTION INSTRUMENT LANGUAGE
This instrument (affidavit) changes a street name in a recorded plat.

Doc. No. 23462

**AFFIDAVIT OF CORRECTION
SECOND ADDITION TO YOKUM COVE**

KICKAPOO COUNTY
REGISTER OF DEEDS
DOC. NO. 23462

recording data

Pursuant to s. 236.295(1) (a), Wis. Stats., I, Jane Doe, Registered Land Surveyor, S-9999, hereby certify that the plat of SECOND ADDITION TO YOKUM COVE, recorded in Volume 13 of Plats on Pages 58 and 59, Kickapoo County Registry, located in the Town of France, Kickapoo County, WI, shows a street name of "DAISY COURT" east of lots 20-23, (seediagram).

The name of the street shall be changed to "DAISY MAE COURT."

J.D. Land Surveying
123 Main Street
Dogpatch, WI 55555

Dated this 14TH day of June, 1995

Jane Doe
Jane Doe, S-9999



Parcel Id. No. 4132403300008

STATE OF WISCONSIN)
)ss.
COUNTY OF KICKAPOO)

Personally came before me this ____ day of _____, 199__, to me known to be the person who executed the foregoing instrument and acknowledged the same.

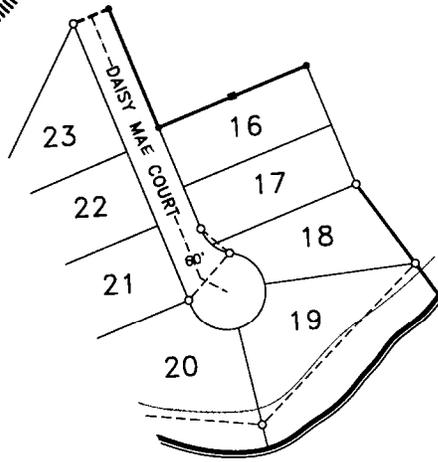
My Commission Expires _____

TOWN OF FRANCE
APPROVAL CERTIFICATE

Approved for recording by the Town Board of the Town of France.

Date _____

Joe Smith, Town Clerk
Town of France



Chapter A-E 7

MINIMUM STANDARDS FOR PROPERTY SURVEYS

This section is in the process of being updated for the May 2016 changes to A-E 7.

https://docs.legis.wisconsin.gov/code/admin_code/a_e/7

Chapter A-E 7

MINIMUM STANDARDS FOR PROPERTY SURVEYS

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CERTIFIED SURVEY MAPS

PERMITTED USES

s. 236.34 (1)
(am), Wis. Stats

A Certified Survey Map (CSM), consisting of 4 or less parcels of land designated as lots or outlots, may be recorded in the register of deeds office of the county in which the land is located. Such a CSM may be used to:

- Divide land for sale or exchange.
- Create lots for building or other development.
- Clarify metes and bounds descriptions.
- Reconfigure parcels within a recorded subdivision plat, assessor's plat, or CSM.
- Add land to an existing subdivision, assessor's plat, or CSM parcel.
- Consolidate parcels in adjoining subdivisions, assessor's plats, or CSM's.
- Define and convey interest in lands dedicated to the public.

s. 236.03 (1),
Wis. Stats

No map or survey creating divisions of land or intending to clarify metes and bounds descriptions may be recorded except as provided by Chapter 236, Wis. Stats.

Local land division ordinance may mandate the use of a CSM for any or all of the above purposes, unless such use results in a subdivision as defined in s. 236.02 (12), and except as prohibited by s. 236.45 (2), Wis. Stats.

Local land division ordinance may allow for the use of a CSM to create more than 4 lots or outlots in certain instances (see s. 236.34 (1) (ar), later in this section).

s. 236.34 (1),
Wis. Stats

A CSM may not alter areas previously dedicated to the public, unless such areas are properly vacated or discontinued pursuant to Ch. 236, subchapter VIII or s. 66.1003, Wis. Stats.

A CSM may not alter restrictions, easements, covenants, or other encumbrances placed on the land by any manner, unless said restrictions, easements, covenants, or other encumbrances are released by the party having the right of enforcement, pursuant to s. 236.293 Wis. Stats.

CERTIFIED SURVEY MAPS

PERMITTED USES

Reconfiguring lots

s. 236.34 (1),
Wis. Stats

A CSM may be used to reconfigure no more than 4 lots or outlots within a recorded subdivision, assessor's plat, or CSM, provided that the reconfiguration:

- Does not result in a subdivision as defined by s. 236.02 (12);
- Creates parcels that comply with local ordinances, Ch. 236, Wis. Stats. minimum layout requirements, DOT requirements, and, if served with private sewerage facilities, ch. SPS 383 & 385, Wis. Admin. Code;
- Does not change areas previously dedicated to the public; or
- Does not change a restriction or easement placed on the platted land.

Crossing Subdivision boundaries

s. 236.34 (1),
Wis. Stats

A Certified Survey Map may cross the exterior boundary of a recorded subdivision plat, assessor's plat, or CSM with the following limitations:

- 4 parcels or less within a subdivision may be combined with platted or unplatted lands adjacent to the subdivision, by a single owner.
- No additional parcels may be created.
- The CSM must include executed Owner's Certificates from all parties of interest, and Mortgagees' Certificates if applicable.
- The CSM must be approved by all approving authorities in the same manner as a subdivision plat.
- The CSM must be monumented the same as a subdivision plat, (i.e. larger monuments at exterior and block corners.)
- The CSM may not change areas previously dedicated to the public.
- The CSM may not change restrictions or easements placed on the platted land.

CERTIFIED SURVEY MAPS

Example of Certified Survey Map combining parcels from two recorded subdivision plats.

CERTIFIED SURVEY MAP NO. _____

LOTS 1 AND 2 OF YOKUM COVE AND LOT 16 OF SECOND ADDITION TO YOKUM COVE, ALL IN THE SW 1/4 OF THE NW 1/4 OF SECTION 19, T30N, R5E, TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

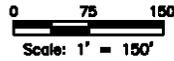
Legend:

- 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- 2.375" OD Iron Pipe, Found
- 1.05" OD Iron Pipe, Found

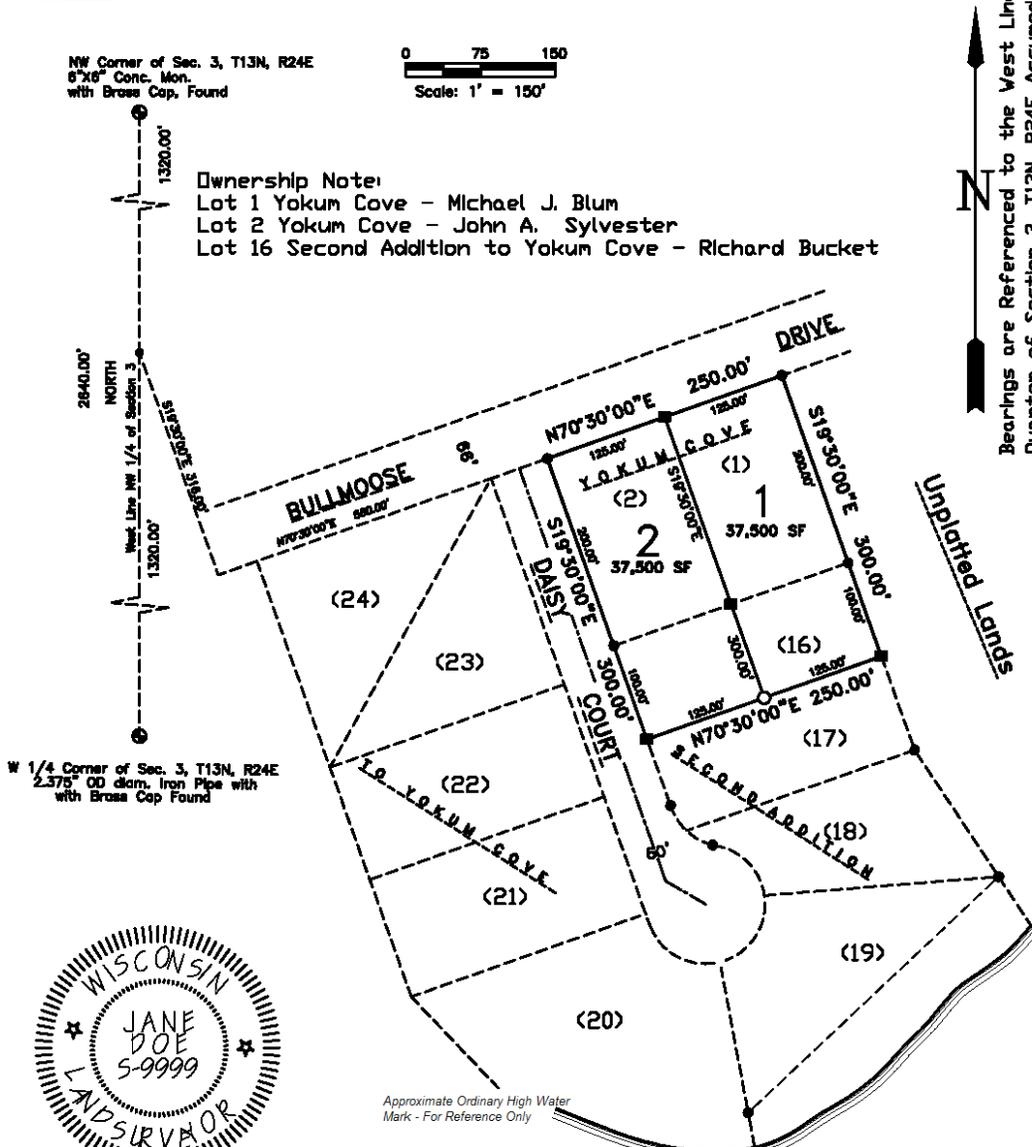


Typical Building Setbacks unless otherwise shown.

NW Corner of Sec. 3, T13N, R24E
6" X 6" Conc. Mon.
with Brass Cap, Found



Ownership Note:
 Lot 1 Yokum Cove - Michael J. Blum
 Lot 2 Yokum Cove - John A. Sylvester
 Lot 16 Second Addition to Yokum Cove - Richard Bucket



LAKE
HAWKINS

SHEET ONE OF TWO

CERTIFIED SURVEY MAPS

Example of Certified Survey Map combining parcels from a recorded subdivision plat with unplatted lands.

CERTIFIED SURVEY MAP NO. _____

LOTS 16, 17, 18, 19 OF SECOND ADDITION TO YOKUM COVE AND
PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

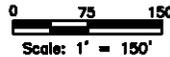
Legend:

- ▲ 1.05" OD X 18" Iron Pipe 1.13 Lbs./Lin. Ft., Set
 - 2.375" OD X 24" Iron Pipe 3.65 Lbs./Lin. Ft., Set
 - 2.375" OD Iron Pipe, Found
 - 1.05" OD Iron Pipe, Found
- See Sheet 2 of 2 for Curve Data



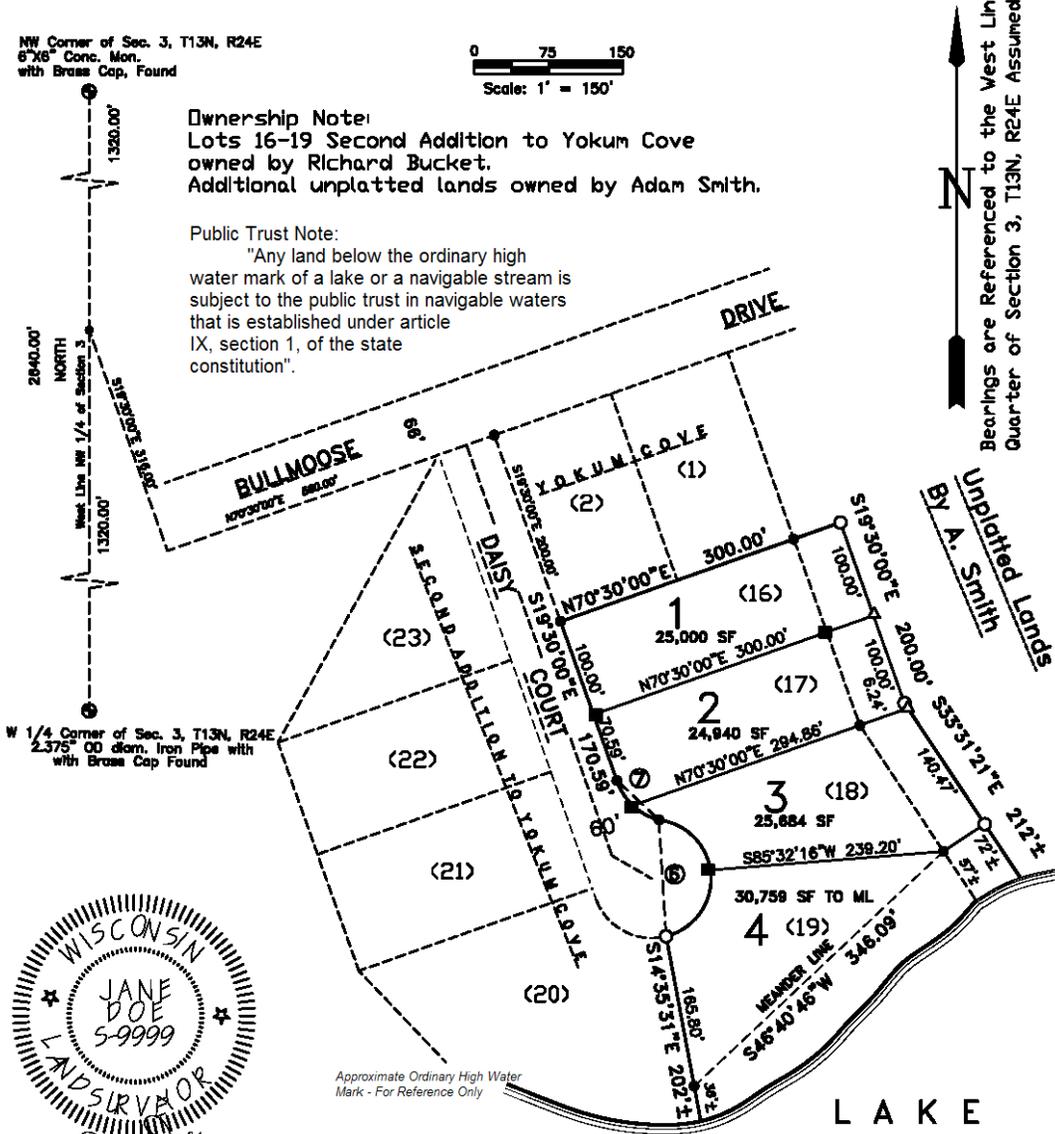
Typical Building Setbacks unless otherwise shown.

NW Corner of Sec. 3, T13N, R24E
6" x 6" Conc. Mon.
with Brass Cap, Found



Ownership Note:
Lots 16-19 Second Addition to Yokum Cove
owned by Richard Bucket.
Additional unplatted lands owned by Adam Smith.

Public Trust Note:
"Any land below the ordinary high
water mark of a lake or a navigable stream is
subject to the public trust in navigable waters
that is established under article
IX, section 1, of the state
constitution".



Approximate Ordinary High Water
Mark - For Reference Only

LAKE
HAWKINS

CERTIFIED SURVEY MAPS

CSM REVIEW

State Level Review

Except for maps created per s. 236.34 (ar), Wis. Stats., the statute does not require state level review and certification of CSM's. Local ordinance may mandate that CSM's be submitted to Plat Review, or local units of government may contract with Plat Review for advisory review for compliance with s. 236.34, Wis Stats.

s. 236.34 (1m)
(e), Wis. Stats.

Local Review

CSM's that dedicate streets, other lands to the public or are used to grant easement interests, **MUST** be submitted to the governing body of the Town, Village, or City in which the lands are situated, for approval and acceptance of the dedication.

s. 236.45,
Wis. Stats.

Any municipality, town or county which has established a planning agency may adopt ordinances (more restrictive than Ch. 236, Wis. Stats.) governing the subdivision or other divisions of land. These ordinances may require the use of a CSM for any land division or conveyance, except as prohibited by s. 236.45 (2), Wis. Stats.

Extraterritorial Review

Municipalities may regulate the division of land within their corporate limits and within their extraterritorial approval jurisdiction if the municipality has adopted a subdivision control ordinance or an official map of record.

When the requirements of review authorities conflict, CSMs must comply with the most restrictive requirement.

Public Improvements

For CSMs located in cities or villages, only the city council or village board may require the installation of public improvements.

For CSMs located in towns, only the town board may require the installation of public improvements.

s. 236.34 (1m) (f),
Wis. Stats.

Review Time Limits

A CSM submitted to the local unit of government for review must be approved, conditionally approved, or rejected within 90 days. This review time period may be extended by mutual agreement.

Failure of the local unit of government to act within the 90 day time limit constitutes approval of the CSM.

CERTIFIED SURVEY MAPS

SURVEY REQUIREMENTS

s. 236.34 (1m)
(a), Wis. Stats.

Preparation of CSM's

The survey must be performed and the map prepared by or under the direction of a Wisconsin Professional Land Surveyor (as defined in Ch. A-E (2).)

The land surveyor responsible for the survey and map must sign, seal and date each sheet of the CSM.

Accuracy of Survey

The ratio of error in the latitude and departure closure of the survey (or any part of the survey) must not exceed 1'/3000'.

s. 236.15 (1) (ac),
Wis. Stats.

Monumentation

Monuments must be set, flush with the ground if possible, at all lot, outlot and public dedication corners. This includes all angle points along a parcel boundary, at each end of a curve, all meander corners, and at the intersection of a lot line with a meander line.

When corners fall within a street or proposed street, the monuments shall be placed in the sideline of the street when practical.

Meander corner monuments are set back 20' or more from the top of bank or ordinary high water mark, as measured at a right angle to the shoreline (shortest distance). This shortest distance is shown on the map.

Existing monuments that are archival and accepted as correct should not be removed and reset even if they do not comply with the standards of s.236.15 (1), Wis. Stats. They are noted as "existing" or "found" and described by type, diameter, and shape.

Minimum Monument Requirements:

Length: 18" Weight: 1.13 lbs./lin.ft

Examples:

- 1" O.D. x 18" iron pipe.
- 3/4" x 24" iron bar (or rebar).
- Other types of iron or steel stakes that exceed the minimum requirements.

CERTIFIED SURVEY MAPS

MAPPING REQUIREMENTS

Layout

s. 236.34 (1m)
(c), Wis. Stats.

Not more than 4 parcels (lots and outlots) may be shown on the map (except for maps created under s. 236.34 (1) (ar)).

Standard requirements for all sheets of a CSM:

- **The recordable document** is 8 1/2"x14" sheets of durable white media with nonfading black image.
- **Margins** are:
 - a 1 1/2 inch binding margin on the top side
 - 1/2 inch on all other sides.
- Each sheet numbered consecutively and marked "**Sheet __ of __**".
- The title "**CERTIFIED SURVEY MAP NO. ____**", in prominent letters, along with the location by P.C., G.L., 1/4-1/4 Sec., Sec., Township, Range, and County.
- The surveyor's signature, seal, and date.

Scale

Maps must be drawn at a scale of not more than 500 feet to one inch.

Legibility

The size and font used for lettering on maps must be legible; easy to read; balanced between line weight, letter size, and font style; and, clearly reproduced when copied.

Monument description

s. 236.20 (2) (b),
Wis. Stats.

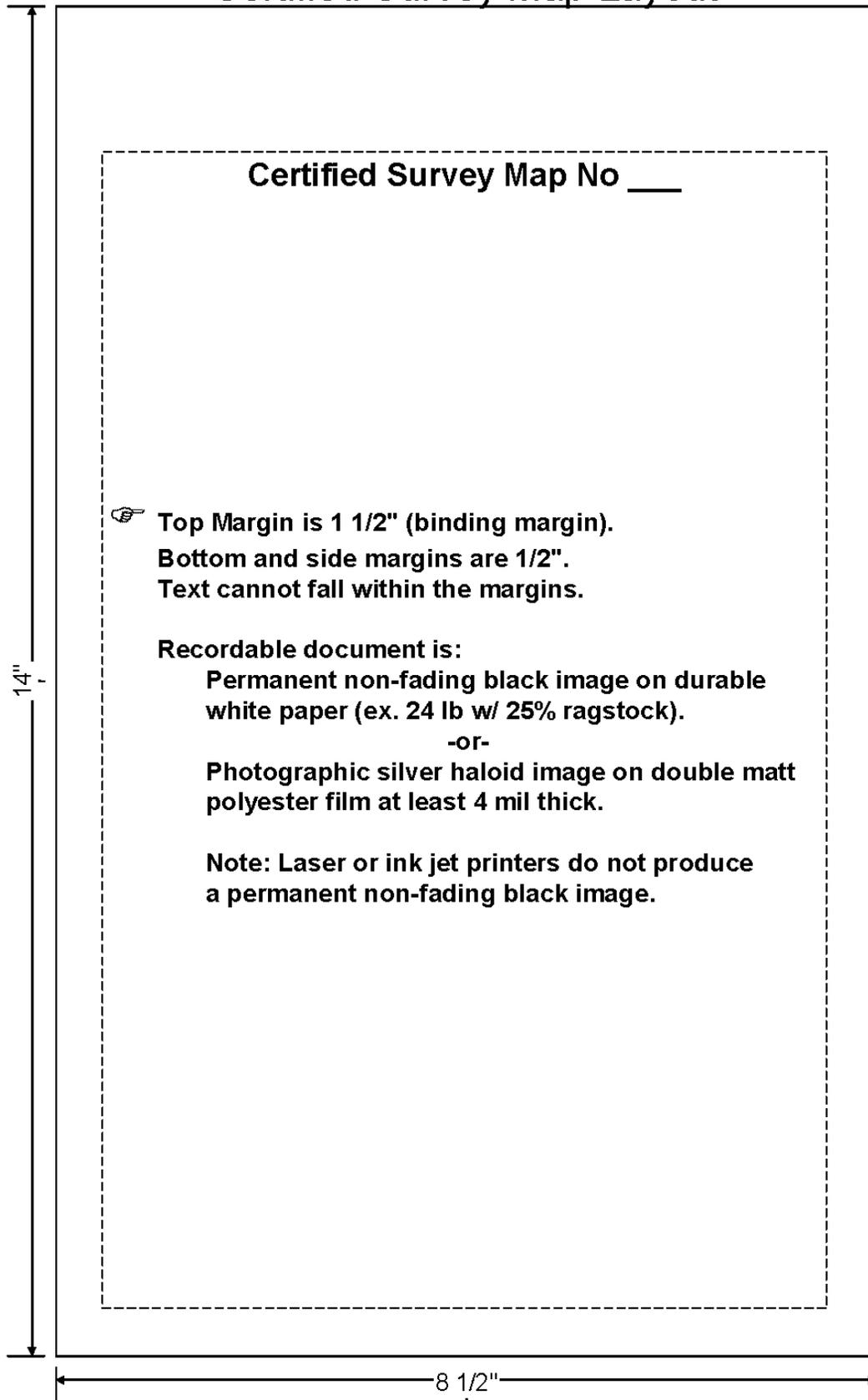
Use a **LEGEND** to describe the monuments on the CSM:

- Monument symbol
- Material
- Type/shape
- Outside Diameter
- Monument found or set
- Length (when set)
- Weight per lineal foot (when set)

The monumentation symbols as used on the map and described in the LEGEND must be the same size.

CERTIFIED SURVEY MAPS

Certified Survey Map Layout



CERTIFIED SURVEY MAPS

MAPPING REQUIREMENTS

s. 236.20 (2) (a),
Wis. Stats.

Exterior Boundaries

Draw exterior boundaries as heavy solid lines. Where an exterior boundary falls within a street right-of-way, it can be drawn as a heavy dashed line.

- Draw boundaries of all lots and outlots as solid lines.
- Draw meander lines, easements, and setbacks as dashed lines.

s. 236.20 (2) (c),
Wis. Stats.

Lengths and Bearings

Lengths and bearings are required for the exterior boundaries, and for every block, lot, outlot, street, and public dedication shown.

- Lot and outlot incremental lengths must total the block length.
- Block and street incremental lengths must total the exterior boundary length.
- (Many computer programs "round up or down" and these totals are off by $\pm 0.01'$.)
- The metes and bounds description in the Surveyor's Certificate must agree with exterior boundary data shown on the map.

s. 236.20 (2) (c),
Wis. Stats.

Easements

Easements may be described completely on the map, as a typical easement in the LEGEND, as a typical separate easement DETAIL, or, as a combination thereof. Always provide the following easement information:

- The purpose of the easement (utility, drainage, public sewer, ingress/egress, etc.).
- The "Grantees," those specific parties being granted the use of the easement should be specified.
- For easements that parallel adjacent boundary lines, show the width of the easement.
- For easements that do not parallel adjacent boundary lines, show either:
 - the easement boundary lengths and bearings and a "tie" to an adjacent lot corner monument,
 - or;
 - the easement centerline lengths and bearings with the centerline "tied" to an adjacent lot corner.

CERTIFIED SURVEY MAPS

MAPPING REQUIREMENTS

s. 236.20 (2) (e),
Wis. Stats.

Parcel Designations

All parcels within the CSM must be designated as a lot, outlot, public street, or public dedication. Private streets or alleys must be designated as an outlot.

Lots and outlots must be consecutively numbered throughout the CSM.

s. 236.20 (2) (i),
Wis. Stats.

Parcel Areas

The square foot area of all lots, outlots, and areas dedicated to the public (other than streets or alleys) must be shown, either within each parcel or in a separate table. It is acceptable to also include the acreage of each parcel.

Meandered parcels should show the approximate area to the water's edge.

s. 236.20 (2) (i),
Wis. Stats.

Bearing Reference

Each sheet of the map showing layout features needs a NORTH point (bearing reference). The NORTH point must be related to a boundary of the 1/4 section or recorded private claim that the CSM is located in.

The NORTH point is referenced to: True, Magnetic, Grid, Assumed, County Coordinates, State Plane Coordinates, etc.

If you use "grid north" as your identifiable direction, you should show coordinates on the section corners, and you must identify the source of the coordinates (State Plane, County Coord. etc.)

Bearings based on the State Plane Coordinate System must use a system allowed by s. 236.18 (2) and must cite the zone and horizontal datum (NAD 1927, NAD 1983 (1991) etc).

s. 236.20 (6),
Wis. Stats.

Public Trust Information

A CSM that includes lots/outlots that extend to the water's edge per s. 236.16 (4) shall include the following note on the map:

"Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."

CERTIFIED SURVEY MAPS

MAPPING REQUIREMENTS

s. 236.20 (3) (b),
Wis. Stats.

Boundary Tie

The CSM exterior boundary must be "tied" by length and bearing to the boundary of the 1/4 section or recorded private claim (P.C.) that the CSM is located in.

Monuments at both ends of the referenced 1/4 section or recorded P.C. line must be described (material, size, etc); the bearing and distance between the monuments must be shown.

s. 236.20 (2) (k),
Wis. Stats.

Curve Data

The following elements must be shown for all curves:

- The radius and central angle
- The chord bearing and length
- The arc length
- The tangent bearing at the PC and PT of each main or block curve.

The curve data may be shown either on the map near the respective curve, or in a Curve Data Table.

On the map, the chords of all main curves and block curves are drawn as dashed or dotted lines.

Curves with a radius of 30' or less that are used to round off an intersection of two straight lines must be tangent to both lines. For this type of curve, only the radius and tangent lengths for the curve need be shown; all of the curve elements may be shown.

s. 236.025,
Wis. Stats.

Ordinary High Water Mark

"Ordinary high water marks" are required to be shown when meander corners and meander lines are established and shown on a plat/map. Surveyors may do one of the following:

- a) Show an ordinary high water mark on plat/map that has been determined by the DNR or otherwise determined pursuant to law.
- (b) "Approximate" the ordinary high water mark and show its location on the plat/map.

If a plat/map shows an "approximate" ordinary high water mark, it shall state on the plat/map that the "*approximate ordinary high water mark is shown for reference only.*"

CERTIFIED SURVEY MAPS

MAPPING REQUIREMENTS

s. 236.20 (3)
(d & e), Wis. Stats

Abutting lands and streets

The platted status of the lands abutting the Certified Survey Map must be shown and underscored in dashed or dotted lines.

The boundaries of abutting lands (streets, subdivisions, CSMs) are drawn in dashed or dotted lines in their proper location.

Abutting street names are shown and underscored with dashed or dotted lines, and their right-of-way widths are delineated.

s. 236.34 (1m)
(d&e), Wis. Stats

CERTIFICATES

[s. 236.21 (1),
Wis. Stats.]

Surveyor's Certificate

A Surveyor's Certificate must be included on all CSM's. The certificate must include:

- A description of the lands surveyed, divided, and mapped, by 1/4-1/4 section, section, town, range, and county; or by government lot or recorded private claim.
AND
- By metes and bounds, commencing from a USPLS corner (not center of section) of the 1/4 section in which the land lies.
OR
- By reference to lots or lots and blocks and subdivision name if land is within a recorded subdivision or recorded CSM that has been previously tied to the monumented line of a 1/4 section, GL or PC and shall be described by lot/outlot number and CSM number, and not by metes and bounds.
- The name of the person(s) or entity(s) that directed the Surveyor to perform the survey, division, and map of the lands described.
- A statement that the map is a correct representation of the exterior boundary of the land surveyed and the division thereof.
- A statement that the Surveyor has complied with the requirements of s. 236.34 in surveying, dividing, and mapping the land.

CERTIFIED SURVEY MAPS

CERTIFICATES

s. 236.21 (2) (a),
Wis. Stats.

Owner and Mortgagee certificates

Owner's Certificates and Mortgagee Certificates are required if the map includes public dedications (ex: streets, roads, parks, open space, etc.), grants easement interests, or if the CSM crosses the exterior boundary of a recorded subdivision or assessor's plat.

Approval certificates

A City Council, Village Board, or Town Board Approval Certificate is required when the map includes a public dedication, grants easement interests or if the CSM crosses the exterior boundary of recorded subdivision plat or assessor's plat.

If local land division ordinance requires CSM review and approval, the appropriate approval certificate must be included.

RECORDING

s. 236.34 (2) (b),
Wis. Stats.

Time Limits

When a Certified Survey map is approved by all local units of government, it must be recorded:

- Within 12 months of their last approval; and
- Within 36 months of their first approval.

CSMs not recorded within these time limits must be re-approved by the local units of government.

s. 236.29, Wis.
Stats.

Effect of Recording

Recording of a CSM approved by the local unit of government constitutes acceptance by the town, city, or village of lands dedicated to the public for the uses and purposes shown on the map.

s. 236.34 (3),
Wis. Stats.

Use in Conveyancing

In a recorded CSM, lots and outlots must be described by the CSM number, volume, page, and county for all purposes, including but not limited to conveyance, assessment, taxation, devise, and decent.

CERTIFIED SURVEY MAPS

VACATION

s. 236.34 (4),
Wis. Stats.

Circuit Court Vacation

A CSM, or part of a CSM, may be vacated by the circuit court of the county in which the map is located in the same manner and with like effect as provided in s. 236.40 to 236.44, Wis. Stats.

The application may be made by:

- The owner of any lot or outlot in the land that is the subject of the CSM
- The county board if the county has acquired an interest by tax deed

EXPANDED USE OF CSMS

s. 236.34 (ar)
Wis. Stats

A local unit of government may allow **more than 4 parcels on a CSM** when:

- They have an established planning agency;
- A ordinance is enacted or resolution is passed;
- A maximum number of parcels is specified; and
- **Land is zoned commercial, industrial or mixed use.**

Requirements for passing an ordinance/resolution:

- Receive recommendation from planning agency;
- Hold a public hearing noticed by publishing a **class two notice**; and
- Enacted ordinance/resolution shall be published in a form suitable for public distribution.

Such enacted ordinance/resolution by a city or village may be applied to the extraterritorial plat approval jurisdiction area.

When local units of government have conflicting requirements for these CSMS, the most restrictive requirements apply.

CERTIFIED SURVEY MAPS

s. 236.34 (1m)
(em & er), Wis.
Stats.

REVIEW OF EXPANDED CSMS

- Expanded CSMS that reconfigure lots/outlots within a record plat, assessors plat or CSM, where no additional parcels are created – are NOT reviewed by DOA.
- Expanded CSMS that create additional lots, in or out of a plat or map, ARE submitted to DOA for review.
- Expanded CSMS that abut a state highway or connecting highway and change the exterior boundary of a plat or CSM must be submitted to DOT for review.

Expanded CSMS that are located in the City of Milwaukee or Milwaukee County are not subject to state review

CERTIFIED SURVEY MAPS

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Wisconsin Certified Survey Map Checklist

(This form is NOT the statute or administrative rule, it is a guide to the statute and rule.)

s. 236.34 (1) (am) CSM OF NOT MORE THAN 4 PARCELS OF LAND

- Number of parcels, including lots and outlots, cannot exceed 4. {except, see 236.34 (1)(ar)} *[Public dedications such as right of ways and parks do not count as parcels.]*

s. 236.34 (1m) (a) THE SURVEY

- Survey performed and map prepared by WI Professional Land Surveyor.
[Each Sheet (single sided) must be signed, sealed and dated by the Surveyor.]
- Ratio or error in latitude and departure closure may not exceed 1'/3000'.

A-E 7.03 RESEARCH

- Every property survey shall be made in accordance with the records of the register of deeds as nearly as is practicable. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title and centerline and other boundary line location.

A-E 7.05 (4) PARCEL LOCATION

- Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed. (Including monuments from adjoining and section split.)

s. 236.34 (1m) (b) **MONUMENTS** All corners shall be monumented in accordance with s. 236.15 (1) (ac), (c), (d), & (g) as shown below.

s. 236.15 (1) MONUMENTS

- (ac) Monuments placed flush with the ground. Corners that fall in a street are monumented on the side line of the street where practical.
- (c) All lot, outlot, park and public access corners and the corners of land dedicated to the public shall be monumented by iron pipes at least 18" long and 1" outside diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 18" long and weighing not less than 1.13 pounds per lineal foot.
- (d) The lines that extend to lakes or streams shall be monumented at the point of intersection of the lake or stream lot line with a meander line established not less than 20 feet back from the ordinary high water mark of the lake or from the bank of the stream.
- (g) In cases where strict compliance with this subsection would be unduly difficult or would not provide adequate monuments, the department may make other reasonable requirements.
[Existing accepted and archival monuments should not be removed or reset. They should be noted as existing or found and described by type, material, diameter, and shape.]

Wisconsin Certified Survey Map Checklist

s. 236.34 (1m) (c) **PREPARATION.** *[cross-referenced to s. 236.20 Wis. Stats. shown below.]*

- (c) The map shall be prepared in accordance with s. 236.16 (4) and s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3)(b), (d), and (e) and must be clearly legible. *[Additional features such as wetlands, buildings and driveways, environmental corridors, and floodplain boundaries may be shown as required by local ordinance.]*
- At a **graphic scale** of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features.
- Binding margin 1.5" wide and a 0.5-inch margin on all other sides on durable white paper 8 1/2" wide by 14" long
- It must be on durable white media with a nonfading black image.
- When more than one sheet is used for any map, each sheet number shall be labeled as (***Sheet 1 of 3 sheets***).
- "**CERTIFIED SURVEY MAP**" shall be printed on the map in prominent letters on each sheet with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted.
- Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

s. 236.20 (2) **MAP AND ENGINEERING INFORMATION**

- (a) The exterior boundaries of the land surveyed and divided must be clearly shown. *[Use a solid heavy line.]*
- (b) All monuments erected, corners, and other points established in the field in their proper places.
- The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by Legend, except interior lot, outlot, and meander corners need not be shown.
- The Legend for monuments shall indicate the type, the outside diameter, length, and weight per lineal foot of the monuments.
- (c) The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines. When the lines in any tier of lots are parallel the bearings of the outer lines on each tier may be sufficient.
- Easements not parallel to a boundary or lot line shall be shown by centerline bearing and width or by easement boundary bearings and distances.
- Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling.

Wisconsin Certified Survey Map Checklist

s. 236.20 (2) MAP AND ENGINEERING INFORMATION (continued)

- Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys, "recorded as" bearings and distances shall be shown.

- (e) All lots and outlots must be consecutively numbered.

- (f) The exact width of all easements, streets and alleys.

- (g) The distances and bearings along all meander lines, and the distance to the ordinary high water mark at each lot line (must be greater than 20').

- (h) The centerline of all streets.

- (i) North referenced to a magnetic, true or other identifiable direction. Related to a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. Include a north arrow on each sheet with details

- (j) The areas in square feet of each lot and outlot.
[See 66 OAG 2 (1977) for discussion of lot area calculation involving public and private roads, easements, and navigable water.]

- (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places.

- Curves shall show the radius, the central angle, chord bearing, the chord length and the arc length for each segment.

- The tangent bearing shall be shown for each end of the main curve.

- When a circular curve of 30-foot radius or less is used to round off the intersection between 2 straight lines, it shall be tangent to both straight lines. It is sufficient to show on the plat the radius of the curve and the tangent distances.

- (L) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat or certified survey map more difficult to read, and when the information on the plat or certified survey map is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the department may waive such strict compliance.

Wisconsin Certified Survey Map Checklist

s. 236.20 (3) LOCATION AND POSITION

- (b) The location of the CSM shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located.
- The monuments at the ends of the boundary line shall be described and the bearing and distance between them shown.
- (d) The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted or dashed line.
- (e) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted or dashed lines. The width of these streets and highways shall be given also.

s. 236.025 (1) ORDINARY HIGH WATER MARKS

“Ordinary high water marks” that are required to be shown when meander corners and meander lines are established and shown on a plat/map. Surveyors may do one of the following:

- (a) Show an ordinary high water mark on plat/map that has been determined by the DNR or otherwise determined pursuant to law.
- (b) “Approximate” the ordinary high water mark and show its location on the plat/map.

s. 236.025 (3) ORDINARY HIGH WATER MARKS

If a plat/map shows an “approximate” ordinary high water mark, it shall state on the plat/map that the “*approximate ordinary high water mark is shown for reference only.*”

s. 236.20 (6) PUBLIC TRUST INFORMATION

- A CSM that includes lots/outlots that extend to the water’s edge per s. 236.16 (4) shall include the following note on the drawing:

“Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.”

A-E 7.08 U.S. PUBLIC LAND SURVEY MONUMENT RECORD.

- (1) A U.S. public survey monument shall be prepared and filed with the county surveyor’s office as part of any land survey which includes or requires the perpetuation, restoration, reestablishment or use of a U.S. public land survey corner, and,
- (a) There is no U.S. public land survey monument record for the corner on file with the county surveyor; or

Wisconsin Certified Survey Map Checklist

A-E 7.08 U.S. PUBLIC LAND SURVEY MONUMENT RECORD. (continued)

- (b) The Professional Land Surveyor who performs the survey accepts a location for the U.S. public land survey corner which differs from that shown on a U.S. public land survey monument record file with the county surveyor's office; or
- (c) The witness ties or U.S. public survey monument referenced in an existing U.S. public survey monument record have been destroyed or disturbed.

s. 236.34 (1m) (d) PROFESSIONAL LAND SURVEYOR'S CERTIFICATE OF COMPLIANCE

The map shall include a certificate of the Professional Land Surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

- (1) State who directed the Professional Land Surveyor to make the survey, division and map of the land described on the CSM
- (2) A clear and concise description of the land surveyed by government lot, recorded private claim, 1/4, 1/4 section, Section, township, range and county; and by metes and bounds
- A-E 7.04 The description shall contain necessary ties to adjoiners.
- Commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or
- Commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located.
- If the land is located in a **recorded subdivision, recorded addition to a recorded subdivision or a recorded CSM that has been previously tied to the monumented line of a quarter section, GL, PC or federal reservation**, then by the subdivision name and description of the block, lot or outlot or by the CSM number and lot or outlot number.
- (3) A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.
- (4) A statement that the Professional Land Surveyor has fully complied with the provisions of this section in surveying, dividing and mapping the land.

Wisconsin Certified Survey Map Checklist

s. 236.34 (1m) (e) DEDICATIONS

- A certified survey map may be used for dedication of streets and other public areas and for granting easements when Owners' Certificates and Mortgagees' Certificates which are in substantially the same form as required by [s. 236.21 \(2\) \(a\)](#) have been executed and the city council or village or town board involved have approved such dedication. *[County Approval is required if dedication is to the County].* (when lands are dedicated to public)
- Certificate in following form: "As owner, I hereby certify that I caused the land described herein to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. I also certify that this Certified Survey Map is required to be submitted to the following for approval" (list government body required to approve).

OWNER'S CERTIFICATE

- Signed
 - Dated
 - Witnessed
 - Acknowledged
- Approval and recording of such certified surveys shall have the force and effect provided by [s. 236.29](#).

s. 236.34 (1m) (f) SUBMITTAL

- Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider.
- Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.

s. 236.34 (2) RECORDING

- (a) Certified survey maps prepared in accordance with sub. [\(1\)](#) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of County".
- (b) If the certified survey map is approved by a local unit of government, the register of deeds may not accept the certified survey map for record unless all of the following apply:
 - (1) The certified survey map is offered for record within 12 months after the date of the last approval of the map and within 36 months after the first approval of the map.
 - (2) The certified survey map shows on its face all of the certificates and affidavits required under sub. [\(1\)](#).

Wisconsin Certified Survey Map Checklist

s. 236.34 (3) USE IN CONVEYANCING

- When a certified survey map has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent and conveyance, as defined in [s. 706.01 \(4\)](#), described by reference to the number of the certified survey, lot or outlot number, the volume and page where recorded, and the name of the county.

s. 236.34 (4) VACATION

A CSM or part of a CSM, may be vacated by the circuit court in the same manner as [s. 236.40](#) to 236.44. The application may be made by:

- a. The owner of any lot or outlot in the land that is the subject of a CSM.
- b. The County board if the county has acquired an interest by tax deed.

s. 236.34 (1) (ar) EXPANDED USE OF CSM

- 1. Number of parcels, including lots and outlots, can exceed 4 parcels when:
 - Local units of government have an established planning agency;
 - An ordinance is enacted or a resolution is passed;
 - A maximum number of parcels is specified; and
 - The affected land is zoned commercial, industrial or mixed use.
- 2. Requirements for passing an ordinance/resolution:
 - Receive recommendation from planning agency;
 - Hold a public hearing noticed by publishing a class two notice and;
 - Enacted ordinance/resolution shall be published in a form suitable for public distribution.
- 3. Such enacted ordinance/resolution by a city or village may be applied to the extraterritorial plat approval jurisdiction area.
- 4. When local units of government have conflicting requirements for these CSMs, the most restrictive requirements apply.

s. 236.34 (1m) (em & er) REVIEW OF EXPANDED CSMs

- Expanded CSMs that reconfigure lots/outlots within a recorded plat, assessors plat or CSM, where no additional parcels are created – are NOT reviewed by DOA.
- Expanded CSMs that create additional parcels, in or out of a plat or map ARE reviewed by DOA.
- Expanded CSMs that abut a state highway or connecting highway and change the exterior boundary of a plat or CSM must be submitted to DOT for a Trans 233 review.
- Expanded CSMs that are located in the City of Milwaukee or Milwaukee County are NOT reviewed at the state level.

CERTIFIED SURVEY MAPS

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CERTIFIED SURVEY MAPS

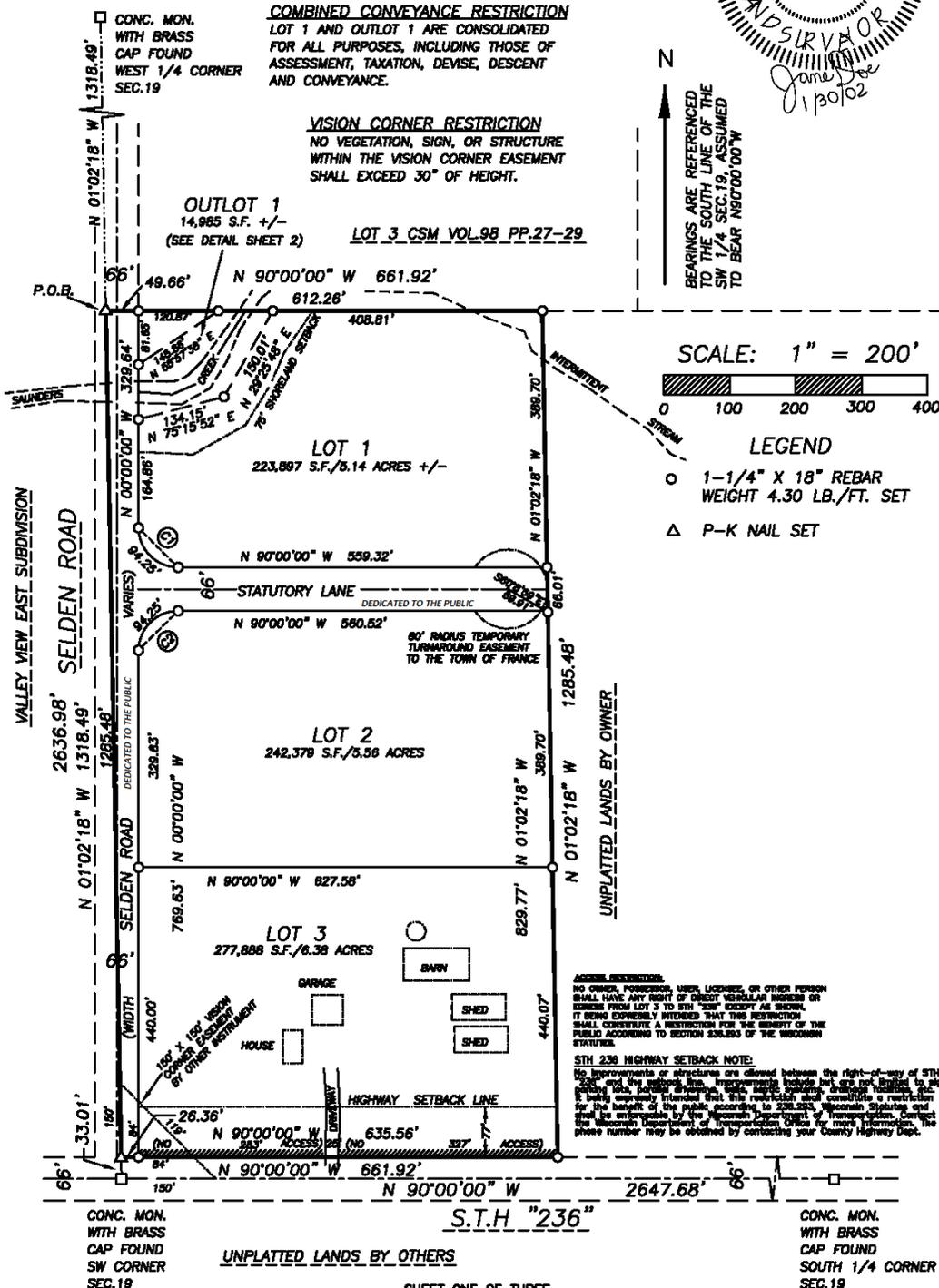
Example of Certified Survey Map dedicating streets to the public.

CERTIFIED SURVEY MAP NO. _____

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

Curve Data Table

Curve	Radius	Chord Bearing	Chord Length	Arc Length	Central Angle
C1	60.00'	N45°00'00"W	84.85'	94.25'	90°00'00"
C2	60.00'	N45°00'00"E	84.85'	94.25'	90°00'00"



SHEET ONE OF THREE

CERTIFIED SURVEY MAPS

Example of Certified Survey Map Owner's and Approval Certificates required when dedicating lands.

CERTIFIED SURVEY MAP NO. _____
PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION

I, Lester Saunders, owner, do hereby certify that I caused the land described on this map to be surveyed, divided, mapped, and dedicated as shown. I also certify that this map is required by s. 236.34 to be submitted to the Town of France, the Village of Dogpatch, and the Kickapoo County Planning Agency for approval.

_____ Dated this _____ day of _____, 2002.
Lester Saunders

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss Personally came before me this _____ day of _____
2002 the above named _____ to me known
to be the person who executed the foregoing instrument and acknowledged the same.

_____ Notary Public, _____, WI
My Commission Expires: _____

TOWN OF FRANCE CERTIFICATE

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss
I certify that this Certified Survey Map, Lester Saunders, owner,
was approved by the Town Board of the Town of France
on the _____ day of _____, 2002.

_____ Town Chairman
_____ Town Clerk



VILLAGE OF DOGPATCH CERTIFICATE (EXTRATERRITORIAL)

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss
Resolved that this Certified Survey Map, in the Town of France, Lester Saunders,
owner, is hereby approved by the Village Board of the Village of Dogpatch.

_____ APPROVED _____
Date Board Chairman

KICKAPOO COUNTY PLANNING AGENCY

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss
Approved in accordance with the Kickapoo County Subdivision Control
Ordinance this _____ day of _____, 2002.

_____ County Planner

SHEET THREE OF THREE

CERTIFIED SURVEY MAPS

Example of Certified Survey Map with existing public right-of-way by easement.

CERTIFIED SURVEY MAP NO. _____

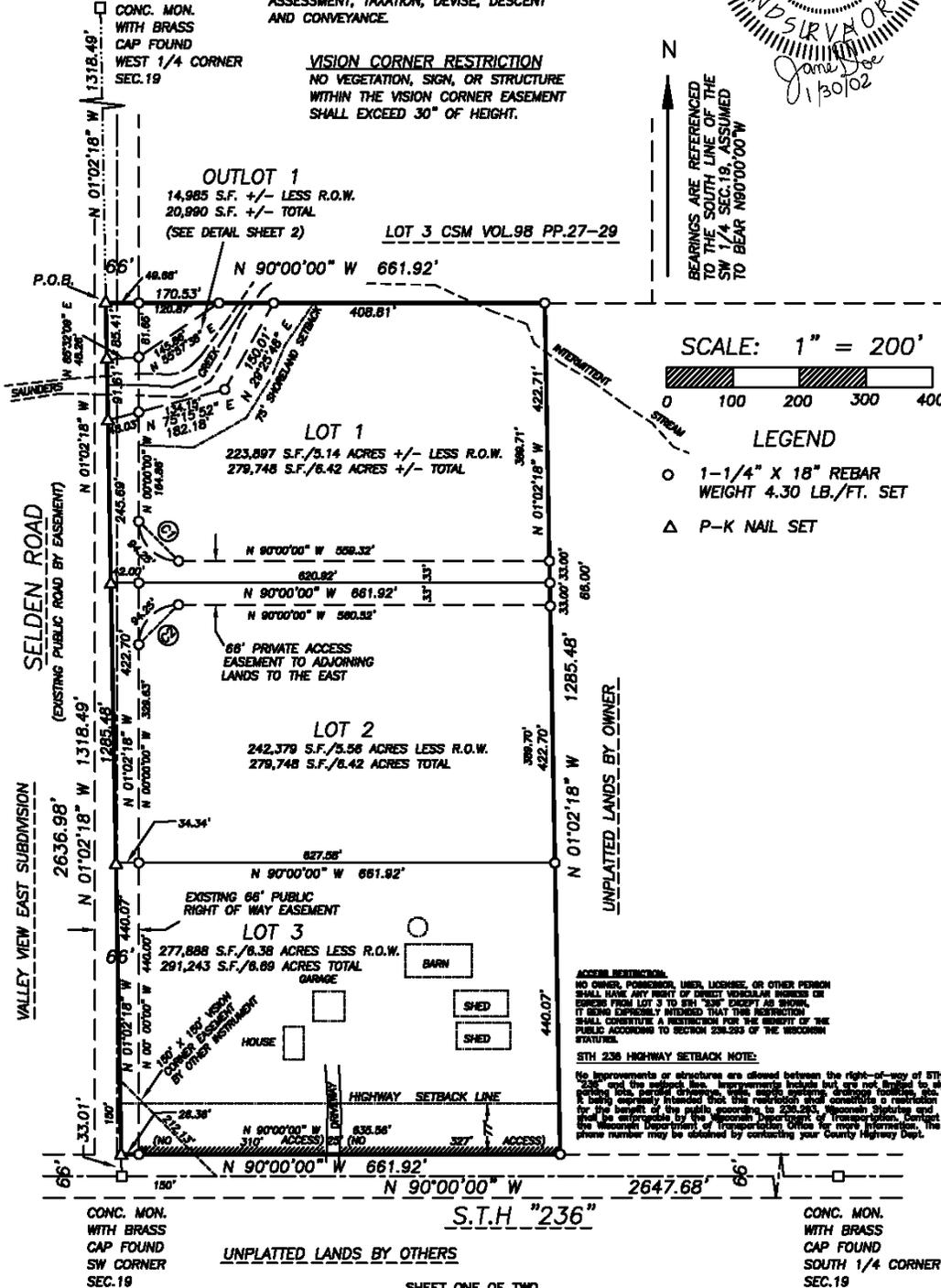
PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

Curve Data Table

Curve	Radius	Chord Bearing	Chord Length	Arc Length	Central Angle
C1	60.00'	N45°00'00"W	84.85'	94.25'	90°00'00"
C2	60.00'	N45°00'00"E	84.85'	94.25'	90°00'00"

COMBINED CONVEYANCE RESTRICTION
LOT 1 AND OUTLOT 1 ARE CONSOLIDATED FOR ALL PURPOSES, INCLUDING THOSE OF ASSESSMENT, TAXATION, DEVISE, DESCENT AND CONVEYANCE.

VISION CORNER RESTRICTION
NO VEGETATION, SIGN, OR STRUCTURE WITHIN THE VISION CORNER EASEMENT SHALL EXCEED 30' OF HEIGHT.

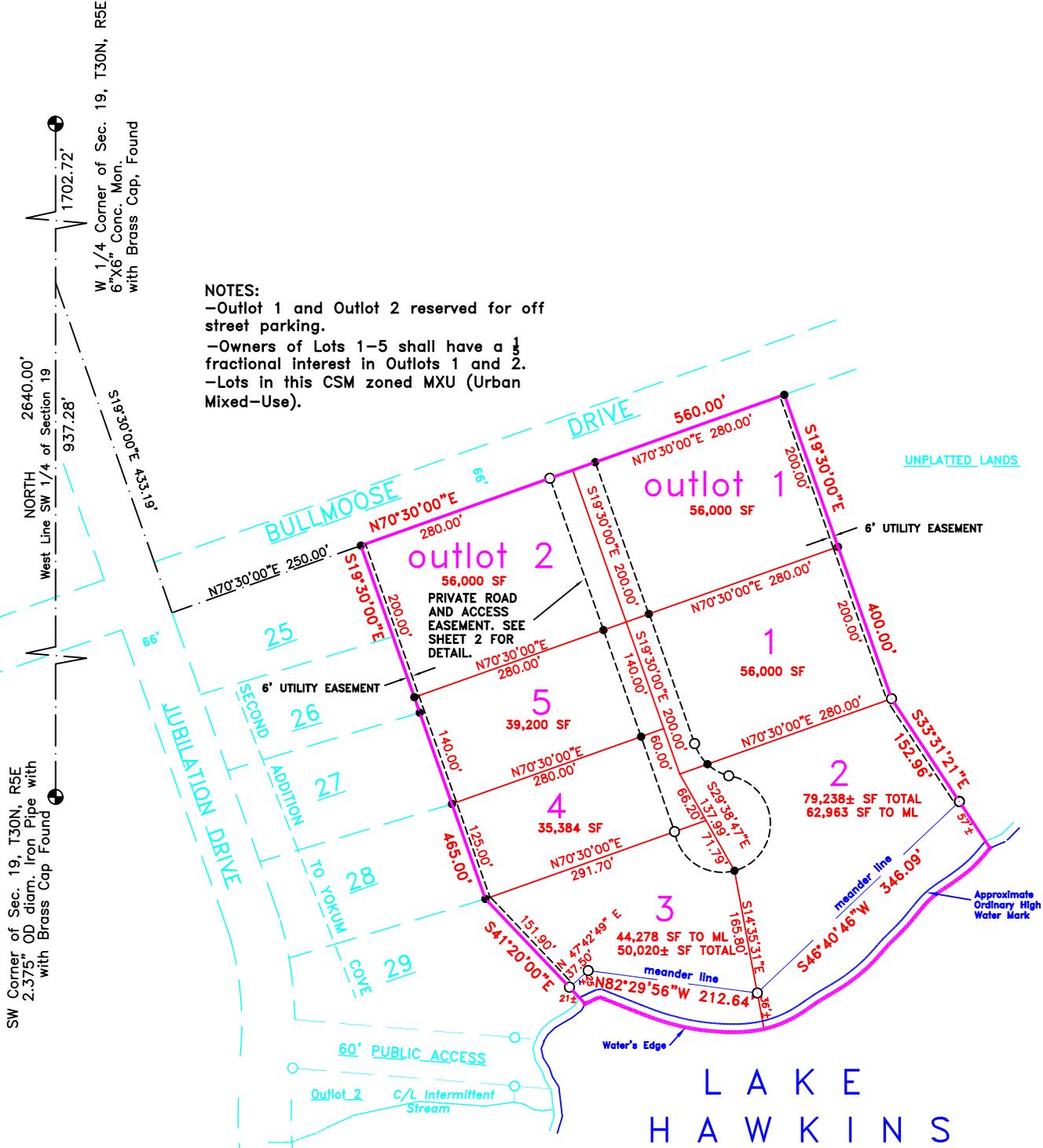


Example of Expanded Use Certified Survey Map

CERTIFIED SURVEY MAP NO. _____

AN EXPANDED USE CERTIFIED SURVEY MAP PER S. 236.34 (1)(ar), WIS. STATS. AND VILLAGE OF FRANCE RESOLUTION NO. 14-2014, DATED 04/18/2014

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E VILLAGE OF FRANCE, KICKAPOO COUNTY, WISCONSIN



NOTES:
 -Outlot 1 and Outlot 2 reserved for off street parking.
 -Owners of Lots 1-5 shall have a 1/4 fractional interest in Outlots 1 and 2.
 -Lots in this CSM zoned MXU (Urban Mixed-Use).

Bearings are Referenced to the West Line of the Southwest Quarter of Section 19, T30N, R5E Assumed to Bear NORTH

SW Corner of Sec. 19, T30N, R5E
 2.375" OD diam. Iron Pipe with
 with Brass Cap Found

NORTH 2640.00'
 West Line SW 1/4 of Section 19
 937.28'

W 1/4 Corner of Sec. 19, T30N, R5E
 6"X6" Conc. Mon.
 with Brass Cap, Found

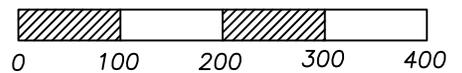
Water Elevations (Lake Hawkins):
 Date of Survey: 803.00'
 High Water Elevation: 803.00'
 Elevations referenced to U.S.G.S. (NAVD 88)
 5" RR Spike in Power Pole #21-52 on N. r-o-w
 S.T.H. 236 at intersection with Jubilation Drive, Elev.=836.00'



NOTE:
 -Ordinary high water mark is for reference only as approximated by the Surveyor on 8/1/2014 per s.236.025(2), Wis. Stats.

-Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution".

SCALE: 1" = 200'



LEGEND

- 1-1/4" REBAR FOUND
- 1" O.D. X 18" IRON PIPE SET 1.13 LBS/FT

Example of Expanded Use Certified Survey Map

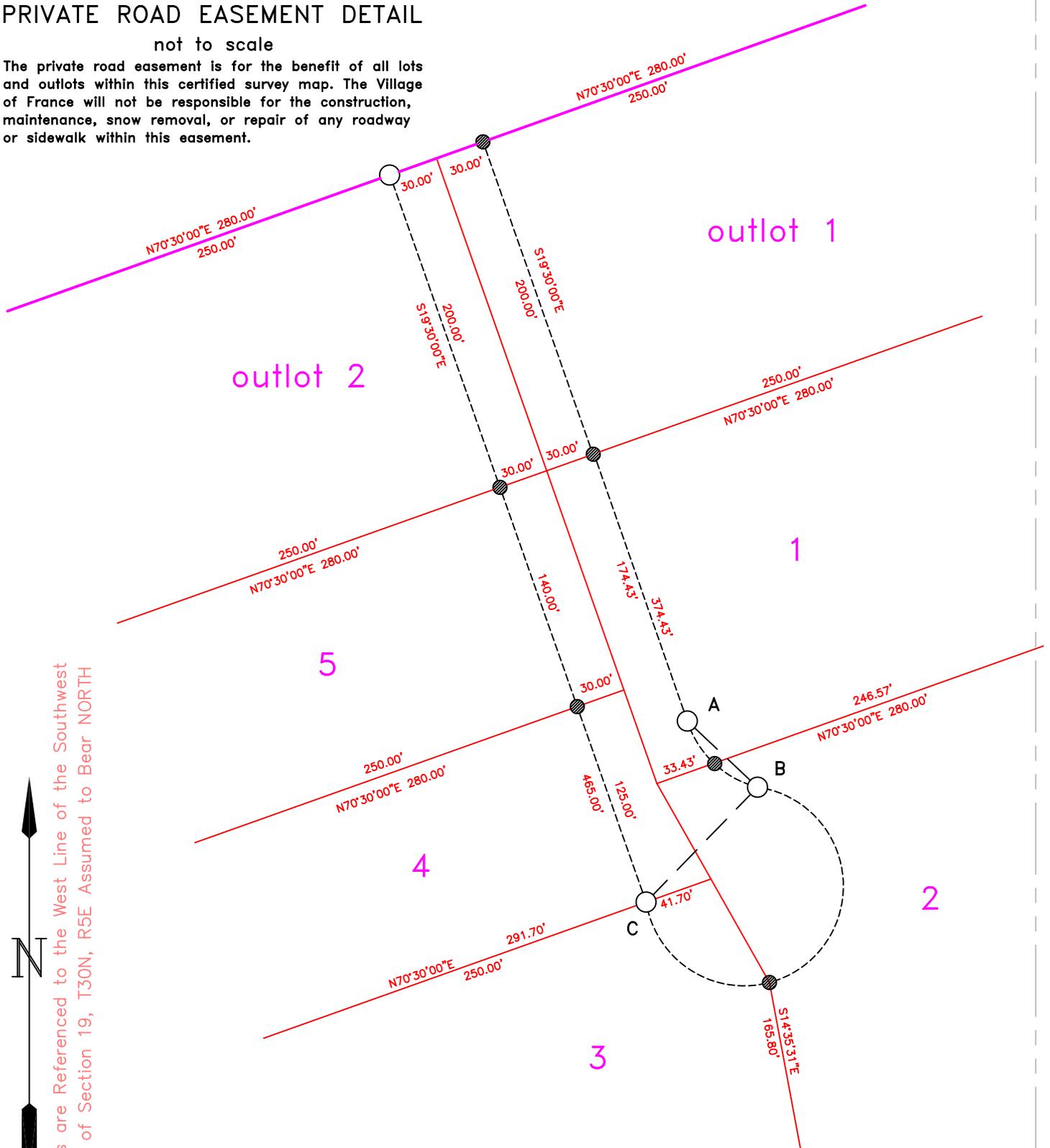
CERTIFIED SURVEY MAP NO. _____

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

PRIVATE ROAD EASEMENT DETAIL

not to scale

The private road easement is for the benefit of all lots and outlots within this certified survey map. The Village of France will not be responsible for the construction, maintenance, snow removal, or repair of any roadway or sidewalk within this easement.



Bearings are Referenced to the West Line of the Southwest Quarter of Section 19, T30N, R5E Assumed to Bear NORTH

Curve Table

CURVE NO.	LOT NO.	RADIUS LENGTH	CHORD BEARING	CHORD LENGTH	ARC LENGTH	CENTRAL ANGLE	TANGENT BEARING
A-B		60.00'	S46°49'55"E	58.35'	63.80'	54°39'50"	S74°09'50"E S19°30'00"E
	1	60.00'	S32°17'07"E	30.16'	31.93'	29°05'34"	
B-C	2	60.00'	S61°22'42"E	30.14'	31.87'	28°34'16"	
	2	60.00'	S44°16'41"W	96.73'	248.06'	236°53'02"	N74°09'50"W N19°30'00"W
	3	60.00'	S03°31'08"E	117.97'	147.96'	141°17'24"	
		60.00'	N57°01'54"W	89.12'	100.10'	95°35'38"	



Example of Expanded Use Certified Survey Map

CERTIFIED SURVEY MAP No. _____

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E
TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Jane Doe, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a part of the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 30 North, Range 5 East, Village of France, Kickapoo County, Wisconsin bounded and described as follows:

Commencing at the SW corner of said section 19; thence North 937.28' to the intersection of the east line of Jubilation Drive and the south line of STH 236; thence S 19° 30' 00" E, along said east line 433.19' to the south line of Bullmoose Drive; thence N 70° 30' 00" E along said south line, 250.00' to a 1" o.d. iron pipe at the NE corner of Lot 25 Second Addition to Yokum Cove, a recorded subdivision, and the point of beginning; thence continuing along said south line, N 70° 30' 00" E, 560.00' to a 1" o.d. iron pipe; thence S 19° 30' 00" E, 400.00' to a 1-1/4" rebar; thence S 33° 31' 21" E, 152.96' to a 1-1/4" rebar and the start of a meander line, said rebar being N 33° 31' 21" W, 57' more or less from the approximate ordinary high water mark of Lake Hawkins; thence S 46° 40' 46" W, 346.09' along said meander line to a 1-1/4" rebar that is N 14° 35' 31" W, 36' more or less from said high water mark; thence N 82° 29' 56" W, 212.64' along said meander line to a 1-1/4" rebar that is north 25' more or less from said high water mark; thence S 47° 42' 49" W, 37.50' along said meander line to a 1-1/4" rebar that is N 41° 20' 00" W, 21' more or less from said high water mark and the end of said meander line; thence N 41° 20' 00" W along the east line of said Second Addition to Yokum Cove 151.90' to a 1" o.d. iron pipe; thence continuing along said east line of Second Addition to Yokum Cove N 19° 30' 00" W, 465.00' to the point of beginning.

Containing 371,842 square feet/ 8.54 acres more or less, including all lands lying between the meander line and the waters edge of Lake Hawkins.

That I have made such survey, land division and map at the direction of Lester Saunders, owner of the land described.

That such map is a correct representation of the exterior boundary of the land surveyed and the division thereof.

That I have fully complied with the provisions of s. 236.34, Wisconsin Statutes and the land division ordinance of the Village of France, Kickapoo County in surveying, dividing, and mapping the same.

Jane Doe, P.L.S. No.S-9999

Dated this _____ day of _____, 2014.

OWNERS CERTIFICATE

As Owner, I hereby certify that I have caused the lands described herein to be surveyed, divided, mapped, and dedicated as represented on this map. I also certify that this map is required to be submitted to the Village of France for approval.

Lester Saunders

Dated _____, 2015

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss

Personally came before me this _____ day of _____, 2015, the above named Lester Saunders to me known to be the same person who executed the foregoing certificate and acknowledged the same.

(Notary Seal) _____ Notary Public, _____ Wisconsin
(notary name)

My commission expires _____

VILLAGE OF FRANCE APPROVAL CERTIFICATE

Approved by the Village of France, Kickapoo County Wisconsin, by Resolution No. _____, this _____ day of _____, 2015.

(Village President)



Example of Expanded Use Certified Survey Map

CERTIFIED SURVEY MAP NO. _____ PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 19, T30N, R5E TOWN OF FRANCE, KICKAPOO COUNTY, WISCONSIN

UTILITY EASEMENT PROVISIONS

An EASEMENT for electric and communications service is hereby granted by:
LESTER SAUNDERS, grantor, to:

WISCONSIN ELECTRIC POWER COMPANY, grantee
WISCONSIN BELL, INC. d/b/a AT&T WISCONSIN, grantee
TIME WARNER ENTERTAINMENT COMPANY, L.P., grantee
and to their respective heirs, agents, and assigns.

TO construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with underground transmission and distribution of electricity and electric energy, gas, telephone, and cable television for such purposes as the same is now or may hereafter be used, all in, over, under, across, upon, and along within those areas of this Certified Survey Map designated as "Utility Easement", together with the right to install service connections across, upon, within, and beneath the surface of each lot and outlot.

Also the right to trim or cut down trees, brush, and roots as may be reasonably required incident to the rights given herein, and the right to enter upon the property of all for such purposes. The Grantees agree to restore or cause to have restored the property as nearly as is reasonably possible to the condition existing prior to such entry. This restoration does not apply to the removal of trees, brush, or roots necessary for the initial installation of said facilities.

Buildings or other structures shall not be placed over the Grantees' facilities or in, upon, or over the areas on this Certified Survey Map designated as "Utility Easement", nor shall the grade within such areas be altered by more than four (4) inches without the prior written consent of the Grantees.

This grant of Easement shall be binding upon and inure to the benefit of the heirs, successors, and assigns of all parties hereto.

CONSENT OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the herein described lands, does hereby consent to the surveying, dividing, mapping, and dedication as described and represented on this map. and does consent to the certificate of Lester Saunders, owner of said lands.

IN WITNESS WHEREOF, the said _____ has caused these presents to be signed by _____, it's President, and countersigned by _____ it's Secretary, at _____, Wisconsin and it's corporate seal to be affixed hereon this ____ day of _____, 2015.

IN THE PRESENCE OF:

_____ Dated _____, 2015
President

_____ Dated _____, 2015
Secretary

STATE OF WISCONSIN)
KICKAPOO COUNTY) ss

Personally came before me this _____ day of _____, 2015, the above named _____, President, and _____, Secretary, to me known to be the same persons who executed the foregoing certificate and acknowledged the same.

(Notary Seal) _____ Notary Public, _____ Wisconsin
(notary name)

My commission expires _____



ASSESSOR'S PLATS

s. 70.27 (1)
Wis. Stats.

PURPOSE

Assessor's Plats are used to reconcile parcel boundaries between 2 or more separate owners when the boundaries can not be accurately described or retraced due to:

- Monuments lost, obliterated, or never set.
- Gross errors in lot measurements or locations.
- Ambiguous descriptions.

Assessor's Plats may be used to simplify descriptions, for purposes of assessment, taxation, or conveyance, of parcels that otherwise could be described only by metes and bounds.

An Assessor's Plat may be used when uncertainty in locating existing parcels interferes with the siting of public streets, buildings, or other improvements.

s. 70.27 (1)
Wis. Stats.

ORDERING

An Assessor's Plat may only be ordered by the City Council, Village Board, or if in a Town, the Town or County Board having jurisdiction.

Parcel owners may petition the governing body to order an Assessor's Plat.

s. 70.27 (3)
Wis. Stats.

EFFECT OF RECORDING

An Assessor's Plat that has been certified, approved, and recorded at the Register of Deeds office has the following effects:

- Any plat or portion of plat included in or altered by the Assessor's Plat (including streets and other public dedications) is vacated.
- Previous parcel descriptions are replaced by reference to the Assessor's Plat parcel description.
- Reference to an Assessor's Plat parcel is sufficient description of the land for all purposes of assessment, taxation, and conveyance.

ASSESSOR'S PLATS

s. 70.27 (5) Wis.
Stats.

CREATING AN ASSESSOR'S PLAT

The Surveyor must perform the following steps when creating an Assessor's Plat:

- Each parcel, street, public dedication, etc. must be surveyed and mapped using the best evidence available.
- The parcel surveys must conform with the records at the Register of Deeds office as much as possible.
- Temporary monuments showing the results of the survey must be set.
- The affected parcel owners must be notified (by certified mail to their last known address) of the survey so that they may view the map and monuments, and make known their agreement or disagreement with the temporary boundaries.
- When boundaries are reconciled and mutually agreed to by the owners of record, the agreements must be put in writing and recorded in the Register of deeds office. These boundaries, regardless of variance with descriptions of record, then become the true parcel boundaries.
- The Assessor's Plat must show the volume, page, and document number of the metes and bounds description of each parcel (above) corresponding to the parcel as designated on the Assessor's Plat. (See following example Boundary Line Agreement Table.)
- Parcels that have been conveyed or acquired without a recorded deed may be included on the Assessor's Plat, provided that a metes and bounds description of the parcel is shown.

ASSESSOR'S PLATS

Assessor's Plat Boundary Line Agreement Table

I, the undersigned, hereby consent to the establishment of the boundaries of my land as surveyed and mapped by this assessor's plat and hereby consent to the lines shown hereon and the monuments marking my corners as a true representation of my property and that said boundaries shall be the true boundaries hereafter.

BLOCK	LOT	OWNER	VOL.	PAGE	DOC. NO.	AREA
1	1	<u>John M. Smith</u> JOHN M. SMITH	384	39	2716992	15,000 sf
1	2	<u>James R. Brown</u> AND <u>Susan A. Brown</u> JAMES R. BROWN AND SUSAN A. BROWN	289	210	1288510	21,000 sf
1	3	<u>Kenneth L. Jones</u> AND <u>Nancy M. Jones</u> KENNETH L. JONES AND NANCY M. JONES	291	38	1299850	23,100 sf
1	4	<u>Joseph K. Miller</u> JOSEPH K. MILLER	342	215	1342501	18,720 sf
2	1	<u>Sara M. Schmidt</u> SARA M. SCHMIDT	342	216	1342502	22,200 sf
2	2	<u>Ruth A. Frank</u> AND <u>Robert L. Frank</u> RUTH A. FRANK AND ROBERT L. FRANK	842	101	4577211	19,210 sf
2	3	<u>Jason H. Sands</u> JASON H. SANDS	452	312	1985573	18,530 sf

ASSESSOR'S PLATS

s. 70.27 (5) - (7)
Wis. Stats.

MONUMENTATION AND MAPPING REQUIREMENTS

An Assessor's Plat is monumented in accordance with s. 236.15 (1) (ac)-(g). Monuments found and accepted are labeled as "found" on the map, and are not replaced even if the monument is not consistent with s. 236.15.

An Assessor's Plat must meet the requirements of s. 236.20 (1) regarding map size, material, margins, sheet numbering and scale. The scale requirements may be waived per s. 236.20 (L) when deemed appropriate by the department.

An Assessor's Plat must meet the requirements of s. 236.20 (2) (a), (b), (c), (d), and (e) regarding the depiction of boundaries and monuments, delineation of boundaries, and block and lot designations.

CERTIFICATES

s. 70.27 (7)
Wis. Stats.

The Assessor's Plat must show a sworn, notarized certificate by the Surveyor who made the plat that contains the following:

- The name of the governing body that ordered the Assessor's Plat, and the date of the order. Any resolution no., etc. pertaining to the order should be included.
- A location description of the land contained in the Assessor's Plat referenced by quarter-quarter section, government lot, section, town, range, and county.
- A metes and bounds description of the land commencing from a corner (not center of section) established by the U.S. Public Land Survey.
- If the land contained in the Assessor's Plat is wholly part or all of a plat of record, reference to the plat may be used in lieu of a metes and bounds description.
- A statement that the Assessor's Plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel thereof.
- A statement that the Surveyor has fully complied with the provisions of s. 70.27 in filing the plat.

ASSESSOR'S PLATS

SURVEY AND MAPPING STANDARDS

In addition to the mapping requirements listed above, the Minimum Standards for Property Surveys outlined in A-E 7 apply.

The Assessor's Plat should also meet the accuracy of survey requirement of s. 236.15 (2), and the mapping standards as shown in s. 236.20 (2) (f) to (k); s. 236.20 (3) (a) to (e); s. 236.20 (4) (a) and (c); and s. 236.20 (5) (a) to (c).

s. 70.27 (2) & (8)
Wis. Stats.

FILING AND RECORDING

Upon completion, the Assessor's Plat is filed with the clerk of the governing body that ordered the plat. Within 2 days of filing, the clerk must transmit the plat to the department of administration (plat review). The department has 30 days to review the plat.

After the department has determined that the Assessor's Plat complies with the applicable requirements of s. 236.15 and s. 236.20, the department will provide the clerk of the governing body with the recordable document bearing the certification of the department. The clerk must then promptly publish a class 3 notice per ch. 985 (see example in this section).

The plat must remain on file and be available for public inspection in the clerk's office for 30 days after the first publication. Within the 30 day period, any person or public body having interest in lands affected by the plat may bring suit to have the plat corrected.

If no suit is brought within the 30 day period, the governing body may then inscribe it's approval on the plat, and present the plat to the register of deeds for recording.

If suit is brought, any court ordered revisions to the plat must be made. The clerk must certify on the face of the plat that the revisions comply with the provisions of s. 70.27. The plat need not be re-submitted to the department of administration for review unless so ordered by the court. After any revisions are made, the governing body may then inscribe it's approval on the plat, and present the plat to the register of deeds for recording.

ASSESSOR'S PLATS

EXAMPLE OF CLASS III PUBLIC NOTICE FOR ASSESSOR'S PLAT

NOTICE - VILLAGE OF DOGPATCH

The ASSESSOR'S PLAT I OF THE VILLAGE OF DOGPATCH will be on file in the Administrative Offices of the Village of Dogpatch, 123 First Street, telephone 987-6543, for a period of 30 days commencing January 2, 1990 for public inspection in accordance with Section 70.27, Wis. Stats. The ASSESSOR'S PLAT I OF THE VILLAGE OF DOGPATCH is located in Government Lot 2, and the NE 1/4 and the NW 1/4 of the SW 1/4 of Section 3, T13N, R24E, Kickapoo County, WI. Persons interested in inspecting this plat may do so Monday through Friday from 7:45 a.m. to 11:30 a.m. and from 12:30 p.m. through 4:00 p.m., after which it will be offered to the Village Board for approval at its February 2, 1990 meeting.

Village Administrator, Village of Dogpatch

Publish: January 2, 1990

ASSESSOR'S PLATS

s. 70.27 (4)
Wis. Stats.

AMENDMENTS

Amendments or corrections to an Assessor's Plat may only be ordered by the governing body having jurisdiction. Amendments or corrections must be made on a plat of the area affected that is recorded with the register of deeds. The plat must be made and authenticated following the provisions of s. 70.27. (i.e. the plat is amended or corrected with another Assessor's Plat, and is subject to review by Department of Administration - Plat Review.) See OAG opinion in the Statutes, Rules & Opinions section of this manual for a discussion on amending and correcting an Assessor's Plat.

USES

An Assessor's Plat may be used to:

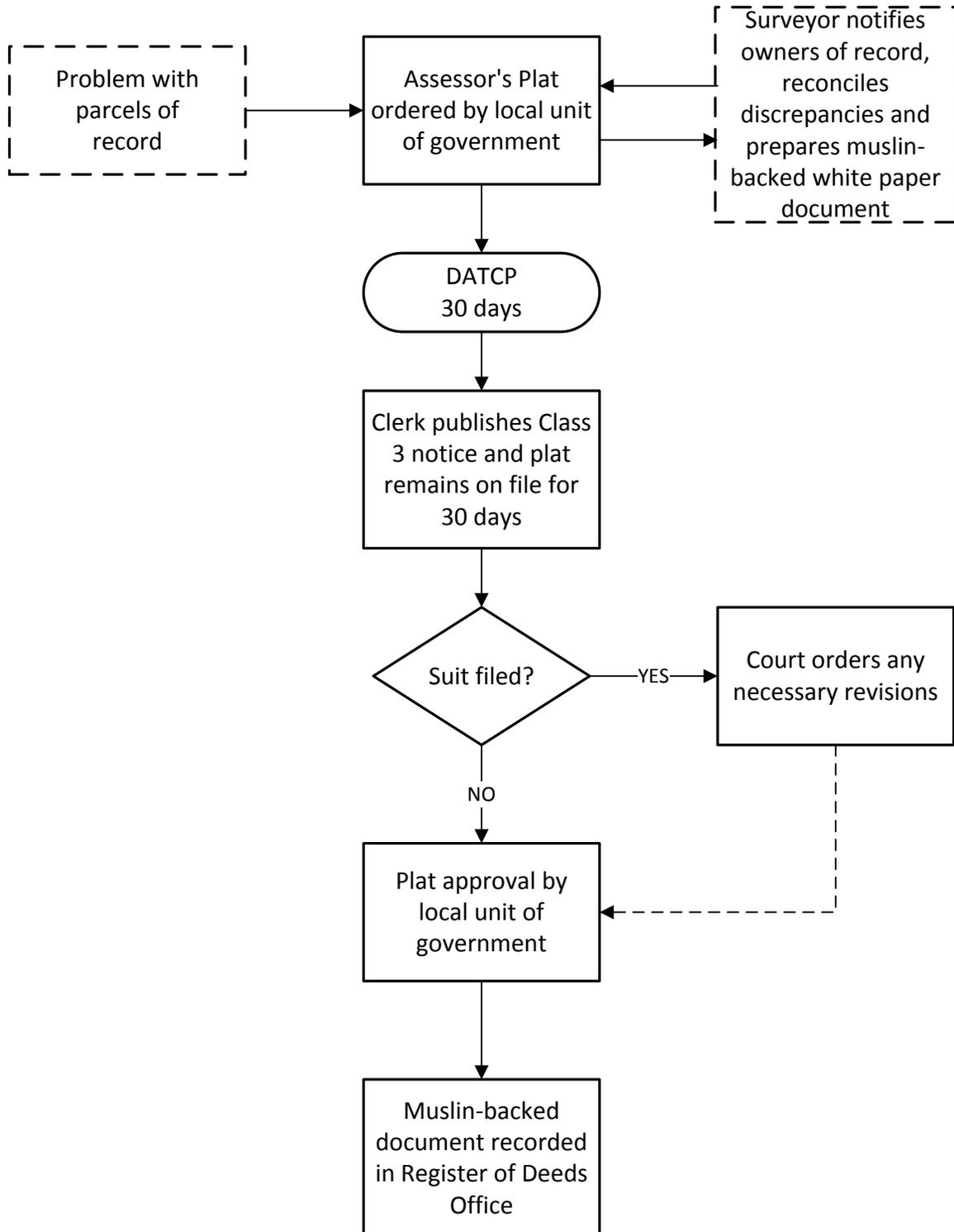
- Consolidate contiguous holdings of an owner into a single parcel.
- Show existing structures, driveways, setbacks, easements etc. and encroachments thereof.
- Show existing streets, alleys, sidewalks, and other public improvements.
- Show drainage, watercourses, lakes, ponds, wetlands, and other natural features.

An Assessor's Plat may not be used to:

- Divide parcels.
- Dedicate lands to the public.
- Create public or private streets, roads, or alleys.
- Create public or private parks, trails, open spaces etc.
- Create easements or other restrictions.

ASSESSOR'S PLATS

Assessor's Plat Process s. 70.27 Wis. Stats.



ASSESSOR'S PLATS

Assessor's Plat Surveyor's Certificate

I, (Surveyor's Name) , Professional Land Surveyor, hereby certify: That I have surveyed, divided and mapped (Name of the Assessor's Plat) by the direction of the (City) (Village) (Town) of (Name) , (County Name) , per Resolution # _____, dated _____; that such plat correctly represents all exterior boundaries and each parcel therein; and that this land is located in the (1/4, 1/4) (Sec.), (Town), (Range), (City) (Village) (Town) of (Name) , (County Name), Wisconsin, containing (#) acres of land and described as follows:
(Metes and bounds description)...

Dated this _____ day of (month), (yr.). (Surveyor's Signature)

Revised this _____ day of (month), (yr.). PLS No. _____ Seal

Assessor's Plat Approval Certificate

Resolved, that the Assessor's Plat _____ in the (city) (village) (town) of _____, Having been ordered by the (common council) (village board) (town board) and all notices required by s. 70.27 Wis. Stats. having been sent, and said plat having been on file in the office of the (city) (village) (town) Clerk for 30 days, and no suit for correction of said plat having been commenced, (plat name) _____, is hereby approved by the (common council) (village board) (town board).

Date _____

Approved _____

(Mayor) (Village President) (Town Chair)

Date _____

Signed _____

(Mayor) (Village President) (Town Chair)

ASSESSOR'S PLATS

(Clerk's Certificate, if required)

I hereby certify that the foregoing is a copy of a resolution adopted by the (common council)(village board)(town board) of the (city)(village)(town) of _____.
_____(City) (Village) (Town) Clerk

(Optional Clerk's Certificate, if required)

STATE OF WISCONSIN) _____ COUNTY)SS I,
_____, being the duly elected, qualified and acting clerk of the
(City) (Village) (Town) of _____, (County) do hereby certify that the
(common council)(village board)(town board) of the (City) (Village) (Town) of
_____ passed Resolution Number _____ on (Date), authorizing
me to issue a certificate of approval of the Assessor's Plat (Plat Name), upon satisfaction of
certain conditions, and I do hereby certify that all conditions were satisfied and the APPROVAL
WAS GRANTED AND EFFECTIVE ON THE _____ day of _____,
20_____.
Dated _____ Clerk _____

WISCONSIN ASSESSOR'S PLAT CHECKLIST

(This checklist is NOT the statute, it is a guide to the statute.)

The following requirements must be met on an Assessor's Plat:

Cross referenced from [s. 236.03 \(2\)](#)

s. 236.15 SURVEYING REQUIREMENTS

(1) MONUMENTS (placed flush with the ground where practical.)

- (ag) External boundaries of subdivision shall be monumented by: 2" o.d x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft. -Monuments are required at all corners, the ends of curves, at a point where a curve changes its radius, at all angle points of the boundary line and at all angle points along a meander line. -Monuments set along meander lines must be set back 20' or more from the top of bank or ordinary high water mark.
- (b) Internal boundaries, shall be monumented by: 2" o.d. x 18" iron pipes or permitted equivalents with a minimum weight of 3.65 lbs./lin. ft. -Monuments are required at all block corners, the ends of curves, at a point where a curve changes its radius and at all angle points.
- (c) Lot, outlot, park and public dedication corners shall be monumented by: 1" o.d. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft.
- (d) Lot, outlot, park and public dedication meander corners shall be monumented by: -1" o.d. x 18" iron pipe or permitted equivalents with a minimum weight of 1.13 lbs./lin.ft. -Monuments must be set back 20' or more from the top of bank or ordinary high water mark.
- (f) In lieu of par. (c) and (d), any durable metal, stone or concrete monuments may be used if they are uniform throughout the plat and have a permanent magnet embedded near top of the monument.
- (g) Plat Review may make other reasonable monumentation requirements to accommodate unusual circumstances.

Note: see [s. 70.27\(6\)](#), Wis. Stats. regarding existing monumentation.

WISCONSIN ASSESSOR'S PLAT CHECKLIST

The following requirements must be met on an Assessor's Plat:

s. 236.20 (1) GENERAL REQUIREMENTS

- (a) 1" margin on all sides.
(Drawing area 20" x 28")
 - Graphic scale not over 100' to 1" on each sheet showing layout features.
[see s. 70.27 (5), Wis. Stats. for scale waiver]
 - Sheets numbered as sheet ____ of ____ sheets, if more than one sheet.
 - Plat name and county on each sheet

- (b) Original submitted for review is on any material capable of legible reproduction.
 - Recordable document is durable white media 22" wide and 30" long, prepared with nonfading black image.

s. 236.20 (2) MAP AND ENGINEERING INFORMATION

- (a) All exterior boundaries. (Drawn with heavy solid line.)

- (b) All monuments, corners and other points established in the field; indicate material used, except that lot, outlot and meander corners need not be shown. -A description of the monuments, including for metal monuments the kind of metal, the diameter, length and weight per linear foot.
 - All monuments must be described as "found" or "set".

- (c) Exact length and bearing of all exterior blocks, public grounds, streets, alleys, and lot lines (except where parallel).
 - Easements by center or boundary line length/bearing/width, or by width when parallel to other survey lines.
 - Previously recorded bearings & lengths shown "Recorded as _____".

- (d) Blocks, if designated, consecutively numbered.

- (e) Lots and outlots in each block consecutively numbered.

- (f) Strict compliance with requirements of this section may be waived by Plat Review.

s. 70.27 (5) RECORDING DATA (VOLUME, PAGE, AND DOC. NO.) FOR EACH PARCEL. (See example Boundary Line Agreement Table in Assessor's Plat section of Wisconsin Platting Manual.)

WISCONSIN ASSESSOR'S PLAT CHECKLIST

The following requirements must be met on an Assessor's Plat:

s. 70.27 (7) PROFESSIONAL LAND SURVEYOR'S CERTIFICATE

- (a) The name of the governing body who ordered the plat and the date (and resolution #, if applicable) of the order.
- (b) A clear, concise description, by gov't. lot, 1/4-1/4 section, township, range and county, and by metes and bounds beginning with a corner marked and established in the U.S. Public Land Survey (not center of section), or if wholly within a recorded plat by reference to such plat.
- (c) Statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel thereof.
- (d) Statement that provisions of s. 70.27 have been fully complied with.

PROFESSIONAL LAND SURVEYOR'S CERTIFICATE MUST BE:

- Signed Dated Registration. No.
- Sealed Notarized

The following property survey standards must be met on an Assessor's Plat:

A-E 7.04 DESCRIPTIONS

- Descriptions shall contain ties to adjoiningers such that unequivocal identification of lines and boundaries is provided.

A-E 7.05 MAPS

- (2) Bearings referenced to a magnetic, true, or other identifiable line of the public land survey, recorded and filed subdivision, or to the Wisconsin coordinate system.

A-E 7.06 MEASUREMENTS

- (4) All closed traverses shall have a latitude & departure closure ratio of less than 1 in 3,000.
- (5) Bearings or angles shown to the nearest 30 seconds; Distances to the nearest 1/100th foot.

WISCONSIN ASSESSOR'S PLAT CHECKLIST

The following platting standards should be met on an Assessor's Plat:

s. 236.20 (2) MAP AND ENGINEERING INFORMATION

- (f) Exact width of all easements, streets, alleys.
- (g) Lengths and bearings of all meander lines, with distances between intersections of meander lines with lot lines and ordinary high water mark.
- (h) Center line of all streets.
- (i) North point properly located; referenced to identifiable direction and 1/4 section, P.C., or Federal Reservation Line.
- (j) Lot or outlot area in square feet.
- (k) CURVES: Main chords drawn as dotted or dashed lines and both tangent bearings shown. Arc length, chord bearing and length, radius, and central angle shown for main curve and each segment. Street on circular curve of less than 30' radius, tangent to street lines - show radius of curve and tangent distances.

s. 236.20 (3) NAME IN PROMINENT LETTERS, NOT A DUPLICATE WITHIN COUNTY OR MUNICIPALITY

- (a) Immediately under plat name show government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county.
- (b) Tie by bearing and distance to a boundary line of 1/4 section, P.C. or Federal Reservation. Description of monuments at ends of boundary line.
- (c) Small drawing oriented same as main drawing, showing section or a government subdivision of section in which the plat lies, or relationship of plat to existing streets.
- (d) Names of adjoining streets, state highways, subdivisions and other land divisions in proper location, underscored by dotted/dashed lines.
- (e) Abutting street and highway right-of-way lines with dotted or dashed lines and in proper location; abutting street and highway right-of-way widths.

s. 236.20 (4) ROADS AND PUBLIC SPACES

- (a) Name of each road and street in plat.
- (c) Mark clearly all non-public roads "Private Road", "Private Street" or "Private Way".

s. 236.20 (5) SITE CONDITIONS AND TOPOGRAPHY

- (a) All existing buildings.
- (b) All watercourses, drainage ditches, other pertinent features.
- (c) Water elevations of adjoining lakes or streams at date of survey, approximate high and low water elevations, referred to permanently established datum plane.

Assessor's Plat Clerk's Transmittal Form

Plat Review – DOA
Mailing Address: PO Box 1645, Madison WI 53701
Shipping Address: 101 E Wilson St FL 9, Madison WI 53703

Plat Review
WI Department of Administration

Phone: 608-266-3200 **Fax:** 608-264-6104
Email: plat.review@wi.gov
Web: <http://doa.wi.gov/platreview/>

Subdivision Name:

County:

City/Town/Village: of

As clerk I am aware that the above listed assessor's plat has been transmitted to the Wisconsin Department of Administration for review in compliance with [s. 70.27 \(8\)](#), Wisconsin Statutes.

Prepared By Clerk:

City/Town/Village: of

Clerk's Name:

Clerk's Phone:

Clerk's Email:

Date:

ASSESSOR'S PLATS

SAMPLE ASSESSOR'S PLAT CERTIFICATION LETTER

This letter is sent by Plat Review to the Clerk of the Town, County, or Municipality that directed that the Assessor's plat be made, to provide confirmation that Plat Review has certified no objection to the Assessor's plat.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY

Plat Review
101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

July 27, 2005

PERMANENT FILE NO. 25471

MAUREEN B. KRUEGER
CLERK, TOWN OF POYGAN
8291 TRITT RD
OMRO WI 45619

Subject: ASSESSOR'S PLAT NO. 3 TOWN OF POYGAN
NE 1/4 S 16 T19N R14E
TOWN OF POYGAN, WINNEBAGO COUNTY

Dear Ms. Krueger:

You have submitted ASSESSOR'S PLAT NO. 3 TOWN OF POYGAN for review. The Department of Administration does not object to this assessor's plat. Therefore, the recordable muslin-backed paper document has been certified as complying with the provisions of ss. 236.15 (1) (a) to (g) and 236.20 (1) and (2) (a) to (e), Wis. Stats.

DEPARTMENT OF ADMINISTRATION - PLAT REVIEW COMMENTS:

Plat Review has no conditions for this plat.

A class 3 notice, under Ch. 985, shall be published and the plat shall remain on file in your 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 is brought within such time, the plat may be approved by the Town Board and filed for record.

Any changes to the plat involving details checked by this Department, unless court ordered, (see s. 70.27 (8), Wis. Stats.), will require submission of the plat to the Department for recertification before the plat is eligible for recording. Such changes can be found by comparing the recordable document with the half-size copy furnished the letter recipients listed.

ASSESSOR'S PLATS

Page 2

ASSESSOR'S PLAT NO. 3 TOWN OF POYGAN
MAUREEN B. KRUEGER
July 27, 2005

0205

If there are any questions concerning this review, please contact our office, at the number listed below.

Sincerely,

Reneé M. Powers, Supervisor
Plat Review
Phone: (608) 266-3200

Enc: Recordable Document

cc: Andrew J. Shie, Surveyor (w/ Original & Print.)
Winnebago County Planning & Zoning Committee
Register of Deeds

ORIGINAL RECEIVED FROM CLERK ON 5/12/05; REVIEWED ON 6/15/05;
SUBSTITUTE ORIGINAL RECEIVED FROM SURVEYOR ON 6/30/05.

ASSESSOR'S PLATS

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ASSESSOR'S PLAT I of The Village of Dogpatch

Located in Govt. Lot 2 and the NE 1/4 and NW 1/4 of the SW 1/4 of Section 3, Town 13 North, Range 24 East, Village of Dogpatch KICKAPOO COUNTY, WISCONSIN

LOT	OWNER	BOUNDARY LINE AGREEMENT TABLE	SIGNATURES
		VOL PG DOC NO AREA	
1	Bert L & Susie K Matthews	14 233 233641 14,476 sf	<i>Bert L Matthews</i>
2	Daniel P & Dolly I Sandwich	12 294 119271 11,572 sf	<i>Daniel P Sandwich</i>
3	Frieda L Smith	13 252 167879 11,514 sf	<i>Frieda L Smith</i>
4	John J & Jennifer M Jones	12 122 100147 7,939 sf	<i>John J Jones</i>
5	Dept. of Natural Resources	12 405 125725 5,363 sf	
6	Donald V Drake	15 10 308275 7,722 sf	<i>Donald V Drake</i>
7	Sara K Schmidt	221 5 894423 6,926 sf	<i>Sara K Schmidt</i>
8	Lee L & Candy J Taylor	15 231 333023 8,239 sf	<i>Lee L Taylor</i>
9	John J & Jennifer M Jones	13 147 147089 13,193 sf	<i>John J Jones</i>
10	Mark J Mitten	15 196 378923 11,613 sf	<i>Mark J Mitten</i>
11	Mary L Mitten	15 353 378927 8,304 sf	<i>Mary L Mitten</i>
12	Frank R Bunt	15 12 378378 9,146 sf	<i>Frank R Bunt</i>
13	Janice P & David R Folk	23 56 672240 5,779 sf	<i>Janice P Folk</i>
14	Janice P Folk	6 78 77842 10,038 sf	<i>Janice P Folk</i>
15	Dale G & Madge Rock	80 555 987280 13,046 sf	<i>Dale G Rock</i>
16	John J & Jennifer M Jones	13 452 147092 28,554 sf	<i>John J Jones</i>
17	CT Associates	37 61 987987 19,827 sf	<i>CT Associates</i>
18	Milda T & Hugo H Roberts	135 325 1100325 16,109 sf	<i>Milda T Roberts</i>
19	Milda T & Hugo H Roberts	7 52 82233 24,958 sf	<i>Milda T Roberts</i>
20	Ben J Brown	190 12 1500515 17,217 sf	<i>Ben J Brown</i>
21	Robert L & Inga H Brown	52 85 899777 15,219 sf	<i>Robert L Brown</i>
22	Edward Z & Janine P Joy	9 106 87725 15,560 sf	<i>Edward Z Joy</i>
23	Edward Z & Janine P Joy	201 22 1700771 26,421 sf	<i>Edward Z Joy</i>
24	Gregory E Knowles	12 231 99797 19,936 sf	<i>Gregory E Knowles</i>
25	Village of Dogpatch	15 45 31233 13,504 sf	<i>Ben Taroun (clerk)</i>
	PARK Village of Dogpatch	10 98 917786 93,290 sf	<i>Ben Taroun (clerk)</i>
	Outlot 1 John Q Smith	12 435 856631 5,894 sf	<i>John Q Smith</i>

VILLAGE RESOLUTION
Be it resolved that ASSESSOR'S PLAT I OF THE VILLAGE OF DOGPATCH in the Village of Dogpatch, having been ordered by the Village Board and all notices required by s. 70.27 Wis. Stats. having been sent and on file in the office of the Village Clerk for a period of 30 days, and no suit having been commenced to have such plat corrected, ASSESSOR'S PLAT I OF THE VILLAGE OF DOGPATCH is hereby approved by the Village Board.

Village Administrator _____ Date _____

Village Clerk _____ Date _____

2" x 4 1/2" Space for Plat Review stamp

All dimensions measured and shown to the nearest hundredth of a foot; all angles measured to the nearest five seconds and computed to the nearest second.
Water elevations: 10/01/89 800'
Appx. low water elev. 785'
Appx. high water elev. 803'
Elevations referenced to U.S.G.S.

Legend:

- ▲ P.K. Nail, Found
- 1.05" Round Iron Pipe, Found
- ✕ Found chiseled "x" in concrete
- 2.375" OD X 30" Round Iron Pipe 3.65 Lbs./Lin. Ft., Set
- 2.375" OD Round Iron Pipe, Found
- All Other Lot and Meander Corners
- 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- Existing Fenceline

Encroaching Structures. Note: other existing structures not shown per agreement with Village

SURVEYOR'S CERTIFICATE

I, Jane Doe, Professional Land Surveyor, certify that: I have surveyed and mapped ASSESSOR'S PLAT I of the Village of Dogpatch, located in Govt. Lot 2 and the NE 1/4 and NW 1/4 of the SW 1/4 of Section 3, Town 13 North, Range 24 East, Village of Dogpatch, Kickapoo County, Wisconsin, described as:

Commencing at the West Quarter corner of said Section 3; thence EAST, 1320.00 feet; thence SOUTH, 1320.00 feet to the point of beginning; thence WEST, 148.34 feet to a found 1 1/4" iron rebar; thence NORTH, 327.94 feet to a found 1 1/4" iron rebar; thence EAST, 402.47 feet to the northwest corner of PLAT OF THE LAKE SHORE; thence along the west line of said plat, SOUTH, 877.40 feet to the southwest corner of lot 12 of said plat and a found P.K. nail; thence along the south line of said plat, EAST, 341.12 feet to a found 2" iron pipe; thence along the west line of said plat SOUTH, 412.80 feet to a found 2" iron pipe meander corner, said meander corner being NORTH, 16 feet more or less from the water's edge of LAKE KICKAPOO; thence along said meander line the following three courses: S78°44'25"W, 189.00 feet; S75°48'59"W, 253.30 feet; and, S77°57'38"W, 168.01 feet to a found 2" iron pipe marking the end of said meander line, said corner being NORTH 20 feet more or less from the water's edge of LAKE KICKAPOO; thence NORTH 1096.26 feet to the point of beginning. Including the lands between the above described meander line and the water's edge of LAKE KICKAPOO. Plat contains 567,500 square feet, or 13.028 acres, more or less.

That I have made such survey and plat by the direction of the Village of Dogpatch, by Resolution No. 89-125, dated August 9, 1989. That the plat is a correct representation of the exterior boundaries and each parcel thereof. That I have fully complied with the provisions of s. 70.27, Wis. Stats.

Jane Doe Dated this 24th day of October, 1989.

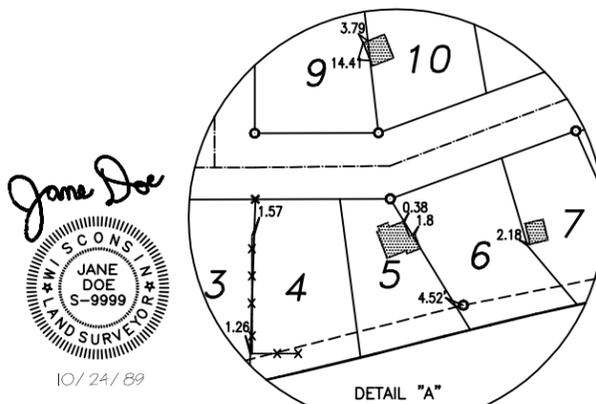
State of Wisconsin)
County of Kickapoo) SS

Personally came before me this 29th day of October, 1989, the above-named Jane Doe, to me known to be the person who surveyed the foregoing instrument and acknowledged the same.

Mary Smith March 6, 1997
Notary Public, Kickapoo County, Wisconsin My Commission expires

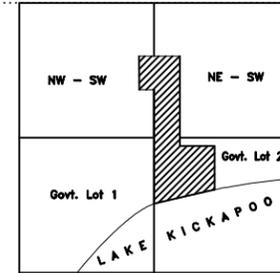
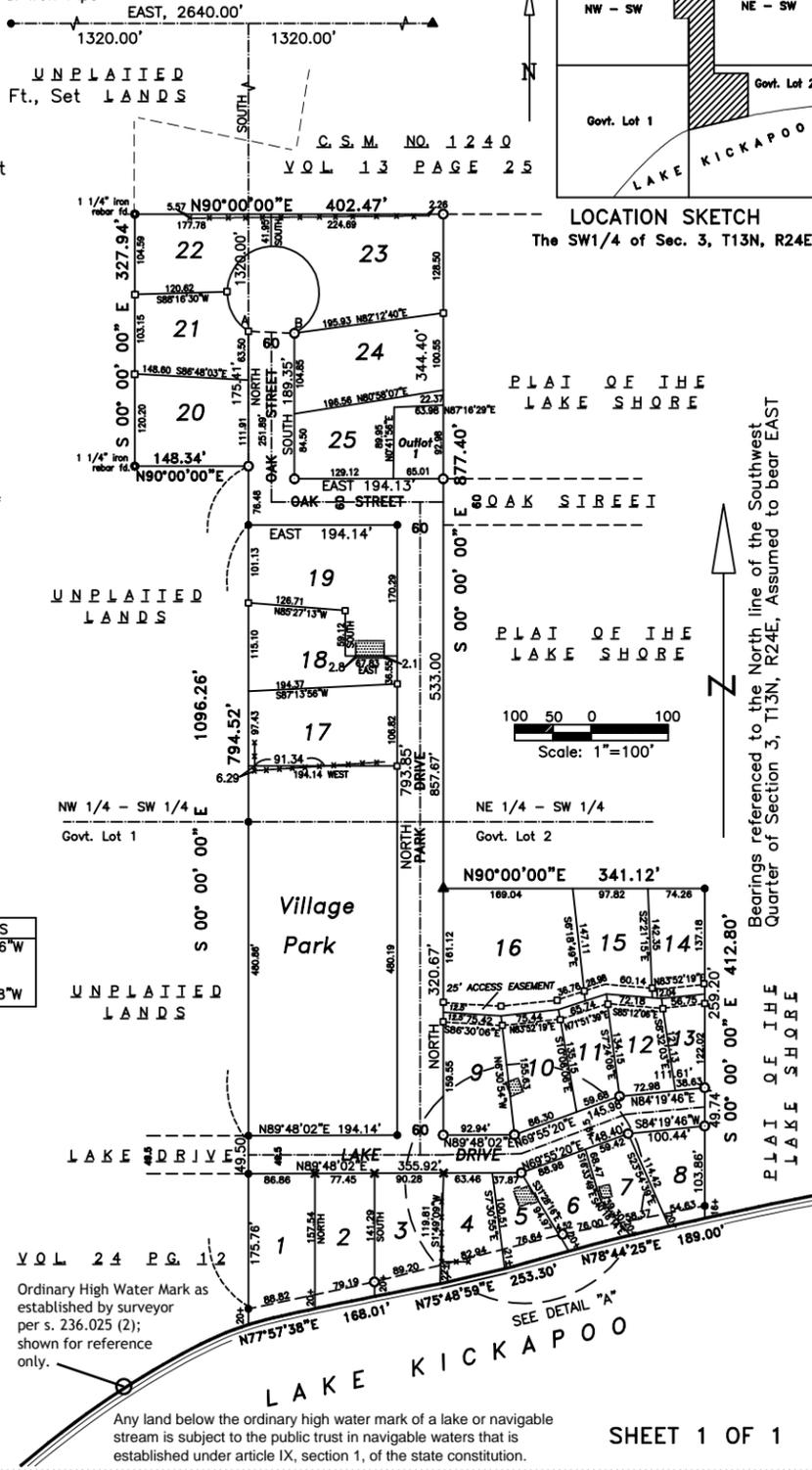
Curve Data Table

CURVE	LOT	RADIUS	CHORD BRG	CHORD	LENGTH	DELTA	TAN BRGS
A-B	21	60.00'	S87°34'34"E	60.02'	314.13'	299°58'24"	N57°33'46"W
	22	60.00'	N28°20'32"W	58.58'	61.20'	58°26'28"	
	23	60.00'	N44°06'54"E	82.20'	90.56'	86°28'24"	
	23	60.00'	S15°07'08"E	117.17'	162.38'	155°03'32"	S62°24'38"W

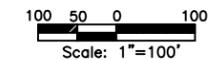


W 1/4 Corner Sec. 3, T13N, R24E
2" diam. Fd. Iron Pipe

Center of Section Sec. 3, T13N, R24E
P.K. Nail, Found



LOCATION SKETCH
The SW 1/4 of Sec. 3, T13N, R24E



Bearings referenced to the North line of the Southwest Quarter of Section 3, T13N, R24E, Assumed to bear EAST

Ordinary High Water Mark as established by surveyor per s. 236.025 (2); shown for reference only.

Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

SHEET 1 OF 1

O:\DATA\DRAWINGS\asses12 Revised 1/9/02

This halfsize reproduction may not meet the legibility standards outlined in this text. Actual scale: 1" = 225'
The fullsize drawing (at a scale of 1" = 100') meets legibility and drafting standards in this text.

County/Local Plats

LOCAL SUBDIVISION REGULATION

s. 236.45 (2)(ac),
Wis. Stats.

Any Town Village, City or County with an established planning agency may create a local land division ordinance (hereafter referred to as "local ordinance") that is more restrictive than the provisions of Chapter 236.

s. 236.45 (2)(am),
Wis. Stats.

Local ordinance may apply to land divisions of fewer than 5 parcels and parcels greater than 1-1/2 acres.

Example: A land division of 3 parcels, each less than 5 acres, may be regulated by a local land division ordinance

Local ordinance must include all of the provisions of Chapter 236, including but not limited to:

- Monumentation requirements and accuracy of survey per s. 236.15.
- Public access to navigable waters per s. 236.16.
- Mapping and Engineering requirements of s. 236.20.
- Certificates as required by s. 236.21.

Local ordinance may include other survey, mapping, monumentation and approval requirements in addition to those of Chapter 236, such as:

- Adjoining ownership
- Zoning designations
- Building envelopes
- Floodplain boundaries
- Septic field locations
- Monumentation that exceeds minimum requirements of s. 236.15.
- Approval by specific agencies in addition to those described in s. 236.10.

In addition to approval by local review authorities, local ordinance may require review and certification of a land division by Plat Review and other objecting authorities.

s. 236.02 (12),
Wis. Stats.

NOTE: Local ordinance does not supersede statute; ANY land division by an owner that creates 5 or more parcels of 1-1/2 acres or less within a 5 year period MUST be submitted to Plat Review for certification

County/Local Plats

LOCAL SUBDIVISION REGULATION

s. 236.45 (2)(am),
Wis. Stats.

Local ordinance may prohibit the division of lands in specific areas, where such division is contrary to the best possible use of the land.

Local land division ordinance created by a municipality may regulate the division of land within the extraterritorial jurisdiction of the municipality.

s. 236.45 (2)(ac),
Wis. Stats.

Local land division ordinance may not have more restrictive time limits, deadlines, notice requirements, or other provisions of ch. 236 that provide protections for the subdivider.

Land divisions regulated by local ordinance must be platted, and the plat must be recorded at the register of deeds in the county in which the land division is located.

- The recordable document must be 22" x 30" durable white media with a nonfading black image.
- The plat must be prominently labeled "TOWN PLAT", "MUNICIPAL PLAT", "COUNTY PLAT" as appropriate.

The plat must have a name unique within the county.

- Avoid names that have been given to other state certified plats.

The location of the land division must be described by 1/4-1/4 section, section, town, range and county noted near the plat name.

Upon recording, parcels within the plat are described by reference to the "TOWN PLAT", "MUNICIPAL PLAT", "COUNTY PLAT" as appropriate, the name of the plat, and the lot, block, or public dedication as shown on the plat. This description is used for all purposes, including but not limited to assessment, taxation, devise, descent, and conveyance.

Future divisions of lands included in the recorded plat must make reference to the lots, blocks, and dedications as described above.

County/Local Plats

LOCAL SUBDIVISION REGULATION

s. 236.45 (2)(am),
Wis. Stats.

Local land division ordinance SHALL NOT apply to:

- Any transfer of interest in land by will or court order*.
- Leases having terms of 10 years or less.
- Mortgages or easements.

*(Note that parcels created by court order are not exempt from local zoning requirements regarding lot size, use, etc; see OAG-01-14 in the Statutes and Rules section of this manual.)

The sale or exchange of land between owners of adjoining property is exempt from local land division ordinance so long as:

- The sale or exchange does not create additional parcels or lots.
- The sale or exchange does not reduce the parcels or lots below the minimum size as required by Chapter 236 or other laws, or local zoning standards or ordinances.

Parcels sold or exchanged should be combined with an existing parcel (by plat of survey, certified survey map, etc.) to avoid creating an additional parcel.

Local units of government have the authority to perform a limited review of these sales or exchanges of land to ensure that the resulting parcels meet minimum lot standards required by local zoning or other regulations (*see OAG-01-14 in the Statutes and Rules section of this manual*).

Many local units of government have made their land division ordinances available online; a list of websites for cities, towns, and villages is available at:

Towns: <http://www.wisctowns.com/town-web-sites>

Cities & Villages: http://www.lwm-info.org/index.asp?SEC=E98A5DA6-F873-4E5B-B258-3C634571EBC4&Type=B_BASIC

A list of websites for Counties is available at:

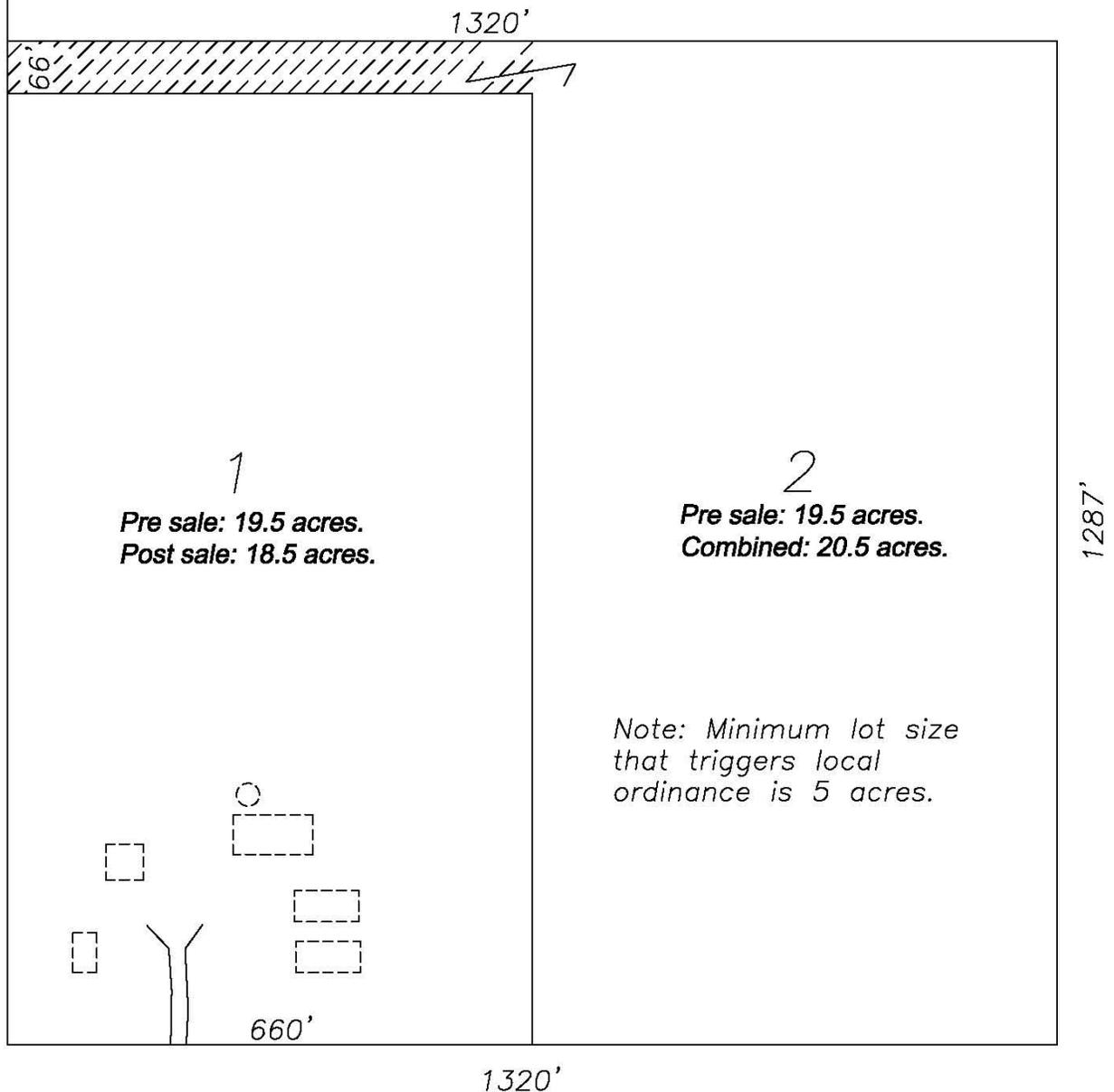
<https://www.wicounties.org/resources.iml#wi-counties>

County/Local Plats

LOCAL SUBDIVISION REGULATION

SALE OR EXCHANGE OF LANDS EXEMPT FROM LOCAL REGULATION EXAMPLE 1

OWNER OF LOT 1 SELLS NORTH 66' TO
OWNER OF LOT 2; LOTS ARE NOT REDUCED
BELOW MINIMUM SIZE, NO ADDITIONAL LOTS
ARE CREATED.



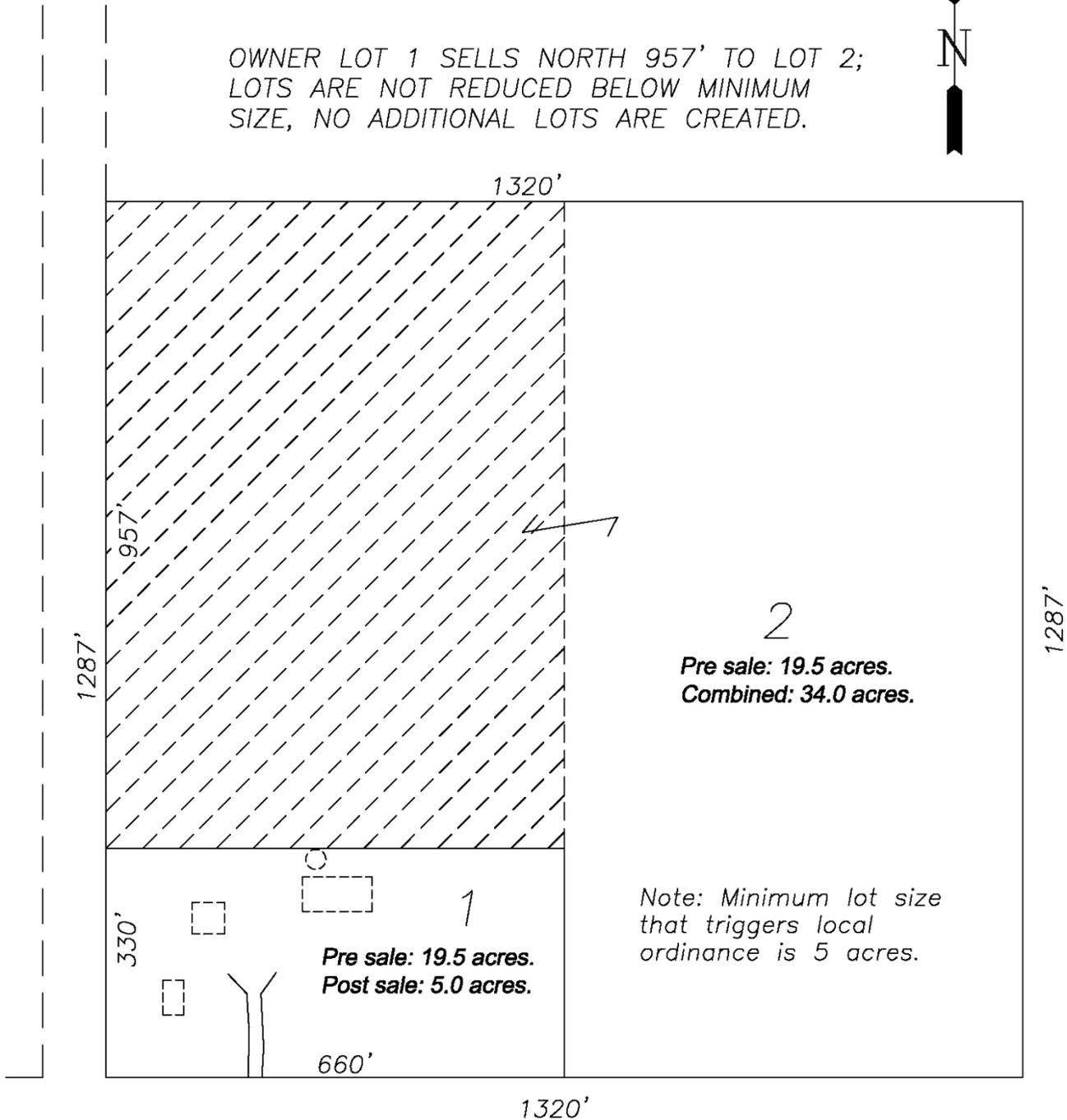
County/Local Plats

LOCAL SUBDIVISION REGULATION

SALE OR EXCHANGE OF LANDS EXEMPT FROM LOCAL REGULATION

EXAMPLE 3

OWNER LOT 1 SELLS NORTH 957' TO LOT 2;
LOTS ARE NOT REDUCED BELOW MINIMUM
SIZE, NO ADDITIONAL LOTS ARE CREATED.

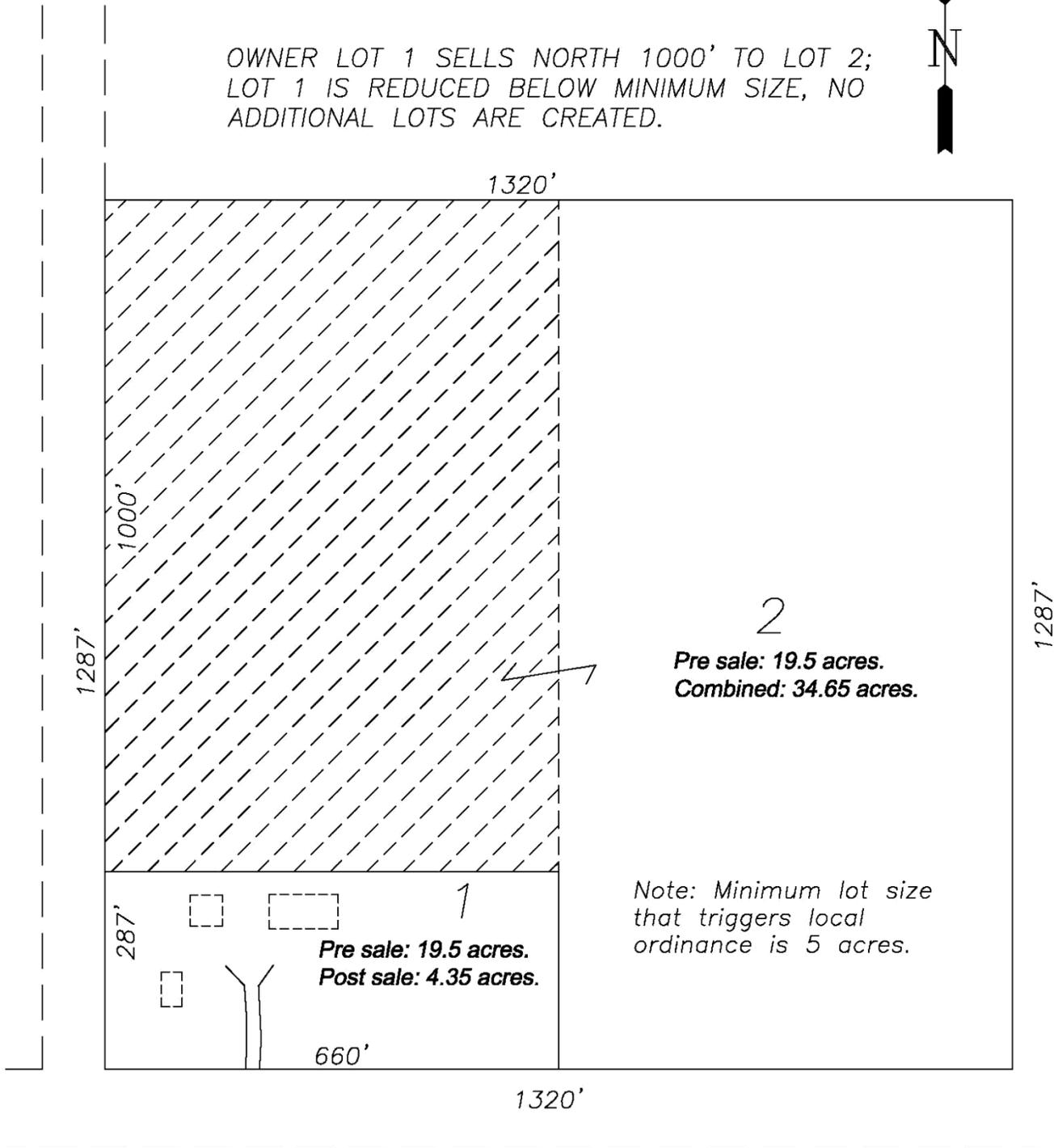


County/Local Plats

LOCAL SUBDIVISION REGULATION

SALE OR EXCHANGE OF LANDS SUBJECT TO LOCAL REGULATION EXAMPLE 1

OWNER LOT 1 SELLS NORTH 1000' TO LOT 2;
LOT 1 IS REDUCED BELOW MINIMUM SIZE, NO
ADDITIONAL LOTS ARE CREATED.

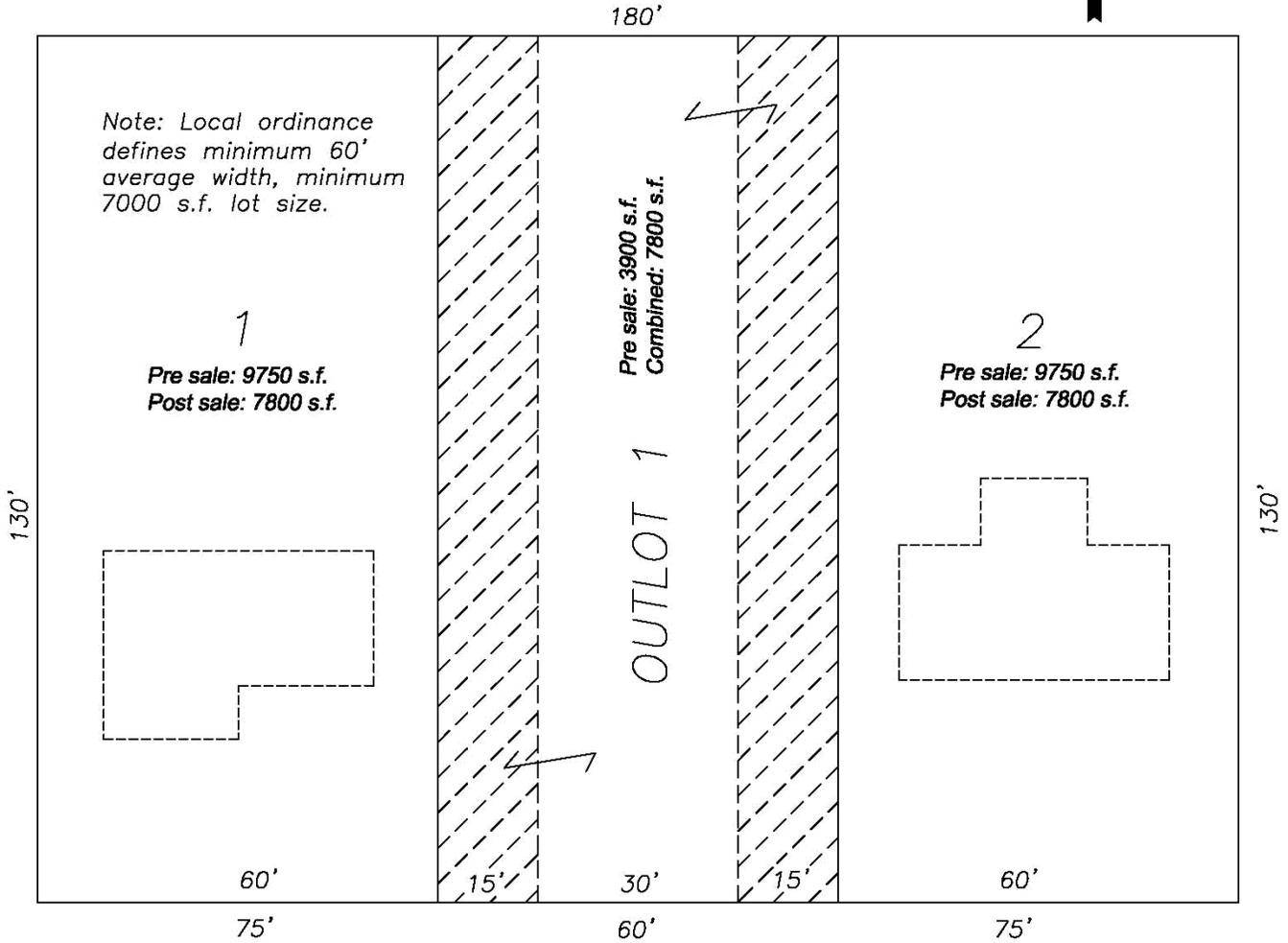


County/Local Plats

LOCAL SUBDIVISION REGULATION

SALE OR EXCHANGE OF LANDS SUBJECT TO LOCAL REGULATION EXAMPLE 2

Owner outlot 1 buys east 15' of lot 1, west 15' lot 2, creating new lot as defined by local ordinance. Existing lots are not reduced below minimum standard.

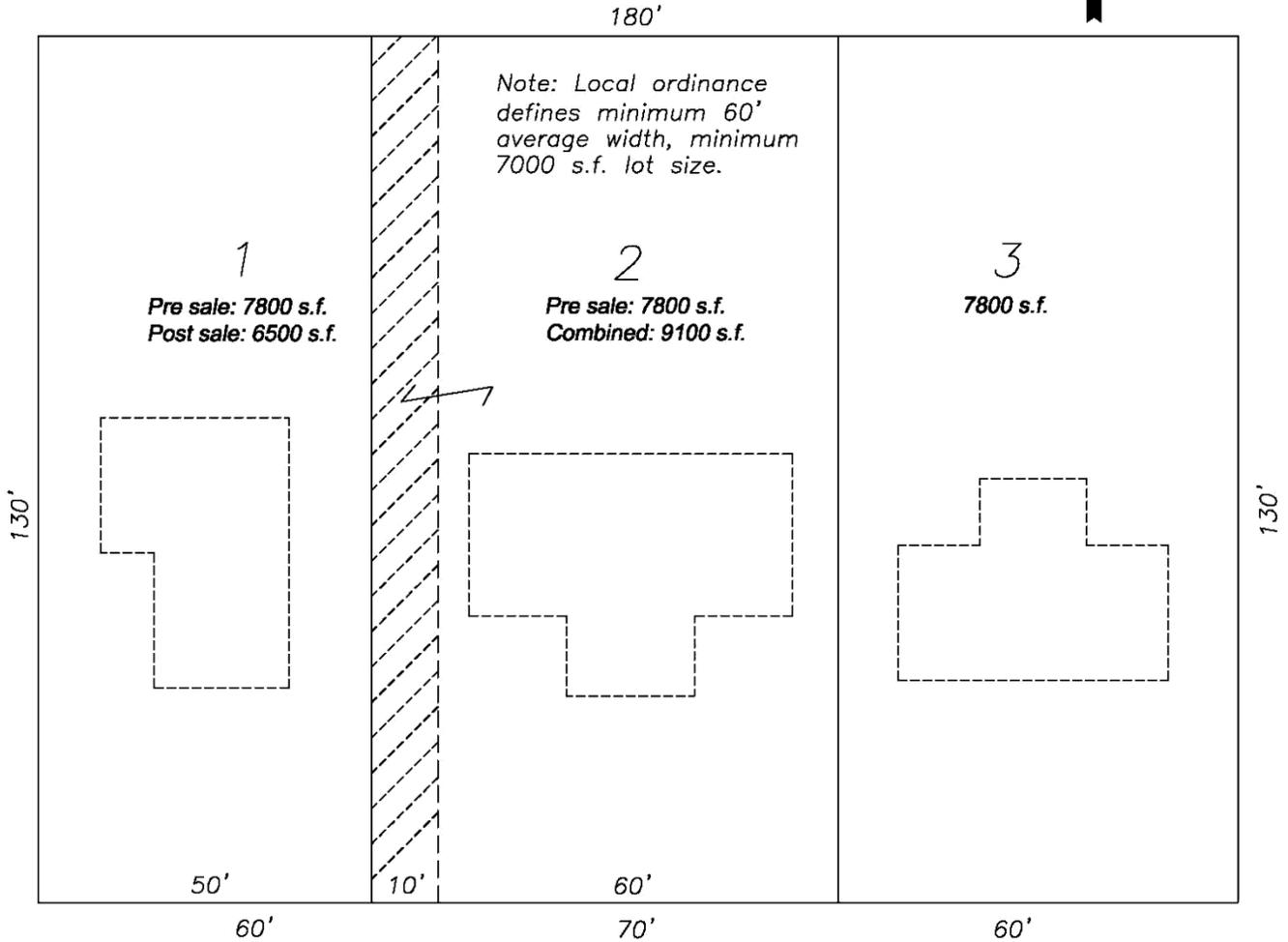


County/Local Plats

LOCAL SUBDIVISION REGULATION

SALE OR EXCHANGE OF LANDS SUBJECT TO LOCAL REGULATION EXAMPLE 3

Owner Lot 2 buys east 10' of lot 1, thereby reducing lot 1 below minimum width and area requirements.



County/Local Plats

LOCAL SUBDIVISION REGULATION

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MUNICIPAL PLAT OF LAKE HAWKINS ESTATES

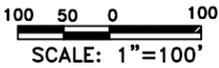
All of Lots 46-67, Outlot 1, and Vacated Public Access of the Replat of Yokum Cove, being part of the NW 1/4 of the NW 1/4, the NW 1/4 of the SW 1/4, the NE 1/4 of the SW 1/4, Government Lot 1, and Government Lot 2, all in Section 3, T13N, R24E, Village of Dogpatch, KICKAPOO COUNTY, WISCONSIN

NOTE:

Public Access to Lake Hawkins created by Replat of Yokum Cove was vacated by Circuit Court action dated 03/12/05 as referenced in Village of Dogpatch resolution #05-27

Legend

- 2.375" OD x 30" Iron Pipe, 3.65 Lbs./Lin. Ft., Set
- 1.315" OD X 48" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- 1.315" OD Iron Pipe, Found
- 2.375" OD Iron Pipe, Found (unless otherwise noted)
- All Other Lot Corners 1.315" OD X 24" Iron Pipe 1.68 Lbs./Lin. Ft., Set
- Ⓢ Curve I.D.
- No Vehicular Access
- () Record Data

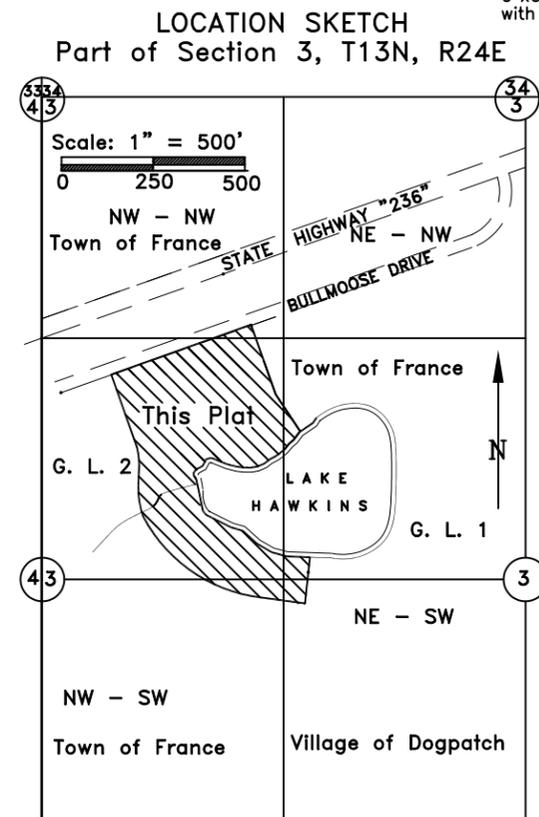


BEARINGS REFERENCED TO THE KICKAPOO COUNTY COORDINATE SYSTEM THE WEST LINE OF THE SW 1/4 OF SEC. 3 T13N R24E BEARS N00°06'00"W

Water Elevations:
 Date of Survey: 803.00'
 Approximate Low Water Elevation: 789.00'
 100 Year Flood Elevation: 803.00'
 Elevations referenced to U.S.G.S. (NAVD 88)

LAKE HAWKINS

Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.



SW Corner Sec. 3, T13N, R24E KICKAPOO COUNTY MONUMENT FOUND 2" I.P. W/ BRASS CAP

WISCONSIN LAND SURVEYOR JANE DOE S-9999
 Jane Doe
 4/08/05

CURVE	LOT	RADIUS	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	ARC LENGTH	TANGENT BEARING	TANGENT BEARING
1-2		60.00'	S26°03'36"W	84.04'	271°05'52"	283.89'	N70°30'40"E	N18°23'28"W
2		60.00'	S04°39'06"E	116.00'	209°40'28"	219.57'		
3		60.00'	N49°06'10"W	61.29'	61°25'24"	64.32'		
3-4		336.00'	S08°35'30"E	127.26'	21°50'00"	128.04'	S19°30'00"E	S02°20'00"W
5-6		472.78'	N08°15'29"W	173.80'	21°10'58"	174.79'	N18°50'58"W	N02°20'00"E
6-7		838.73'	N54°56'34"W	774.13'	54°57'58"	804.63'	N82°25'33"W	N27°27'35"W
7		838.73'	N45°38'09"W	523.26'	36°21'08"	532.15'		
8		838.73'	N73°07'08"W	271.29'	18°36'50"	272.48'		

MUNICIPAL PLAT OF LAKE HAWKINS ESTATES

All of Lots 46-67, Outlot 1, and Vacated Public Access of the Replat of Yokum Cove, being part of the NW 1/4 of the NW 1/4, the NW 1/4 of the SW 1/4, the NE 1/4 of the SW 1/4, Government Lot 1, and Government Lot 2, all in Section 3, T13N, R24E, Village of Dogpatch, KICKAPOO COUNTY, WISCONSIN

Surveyor's Certificate

I, Jane Doe, Professional Land Surveyor, certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Village of Dogpatch and Kickapoo County, and under the direction of Vern Vernier, owner of said land, I have surveyed, divided and mapped The Municipal Plat of LAKE HAWKINS ESTATES; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in the NW 1/4 of the NW 1/4, the NW 1/4 of the SW 1/4, the NE 1/4 of the SW 1/4, Government Lot 1, and Government Lot 2, all in Section 3, Town 13 N, Range 24 E, Village of Dogpatch, Kickapoo County, Wisconsin, described as follows:

All of Lots 46 through 67, Outlot 1, and the Public Access in the Replat of Yokum Cove, recorded in Volume 10, pages 53 and 54 of plats as document number 230815, Kickapoo County register of deeds.

Dated this Eighth day of April in the year 2005

Jane Doe PLS S-9999

Owner's Certificate of Dedication

As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required to be submitted to the following for approval or objection:

Village of Dogpatch

Kickapoo County Planning and Zoning

WITNESS the hand of said owner this ____ day of _____, 2005

Vern Vernier

STATE OF WISCONSIN)
KICKAPOO COUNTY)SS

Personally came before me this ____ day of _____, 2005, the above named Vern Vernier, to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary Seal) _____ Notary Public, Kickapoo County, Wisconsin

My commission expires _____.

Certificate of Village Treasurer

STATE OF WISCONSIN)
KICKAPOO COUNTY)SS

I, Yolanda Mertz, being the duly elected, qualified and acting treasurer of the Village of Dogpatch, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments as of _____, 2005 affecting the lands included in the Municipal Plat of Lake Hawkins Estates.

(Date) _____ Yolanda Mertz, Village Treasurer

Certificate of County Treasurer

STATE OF WISCONSIN)
KICKAPOO COUNTY)SS

I, Jacob Fishbaum, being the duly elected, qualified and acting treasurer of the County of Kickapoo, do hereby certify that the records in my office show no unpaid taxes or unpaid special assessments as of _____, 2005 affecting the lands included in the Municipal Plat of Lake Hawkins Estates.

(Date) _____ Jacob Fishbaum, County Treasurer

Village Board Approval Certificate

Resolved, that the Municipal Plat of Lake Hawkins Estates in the Village of Dogpatch, Vern Vernier, owner, is hereby approved by the Village Board of the Village of Dogpatch, Kickapoo County.

Date _____ Approved _____
Village President

Date _____ Signed _____
Village President

I hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Dogpatch, Kickapoo County.

Date _____ Signed _____
Village Clerk



Cemetery Plats

PART OF CHAPTER 157

CEMETERY PLATS

157.07 Platting. (1) A cemetery authority shall cause to be surveyed and platted by a land surveyor registered in this state those portions of the lands that are from time to time required for burial, into cemetery lots, drives and walks, and record a plat or map of the land in the office of the register of deeds. The plat or map may not be recorded unless laid out and platted to the satisfaction of the county board of the county, and the town board of the town in which the land is situated, or, if the land is situated within a 1st class city, then only by the common council of that city.

(2) The plat or map shall show the exact location of the tract being subdivided with reference to a corner or corners established in the United States public land survey by bearings and distances, and shall show a small scale drawing of the section or government subdivision of the section in which the cemetery plat is situated, with the cemetery plat indicated. The plat or map shall include the certificate of the surveyor containing the name of the cemetery authority, the date of the survey, the surveyor's stamp or seal and signature and the surveyor's statement that the survey is true to the surveyor's best knowledge and belief.

(3) The plat or map shall be made on muslin-backed white paper that is 22 inches wide by 30 inches long, or reproduced with a photographic silver haloid image on double matt polyester film of not less than 0.004 inch thickness that is 22 inches wide by 30 inches long. Seals or signatures that are reproduced on images that comply with this subsection have the force and effect of original seals and signatures. When more than one sheet is used for any one plat or map, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to the other sheets. The sheets may be provided by the county through the register of deeds on terms determined by the county board. The surveyor shall leave a binding margin of 1 1/2 inches on the left side of the 30-inch length and a one-inch margin on all other sides.

(4) The cemetery authority shall cause the plat or map to be recorded within 30 days of the date of its approval, together with the evidence of the town and county board's or common council's approval, which shall be a copy of the resolution adopted by the county board and by the town board, or by the common council, certified by the county clerk and the town clerk, respectively, or city clerk, and affixed to the map or plat. For failure to do so, the plat shall be void.

Cemetery Plats

PART OF CHAPTER 157

CEMETERY PLATS

157.07 Platting. (continued)

(5) The cemetery authority may vacate or replat any portion of its cemetery upon the filing of a petition with the circuit court describing the portion and setting forth the facts and reasons therefore. The court shall fix a time for hearing and direct publication of a class 3 notice, under ch. 985, and the court shall order a copy of the notice to be mailed to at least one interested person, as to each separate parcel involved, whose post-office address is known or can be ascertained with reasonable diligence, at least 20 days before such hearing. If the court finds that the proposed vacating or replatting is for the best interest of the cemetery authority and that the rights of none to whom cemetery lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its findings and authorizing the vacating or replatting of the lands of the cemetery. The order shall be effective when recorded by the register of deeds.

(6) This section does not apply to a religious society organized under ch. 187.

Condominiums

Ch. 703, Wis.
Stats.

This section discusses Condominium related issues that Land Surveyor's are most likely to encounter.

DEFINITIONS SPECIFIC TO CONDOMINIUMS:

Condominium:

Condominium is a form of ownership whereby a person has both separate ownership of a portion (unit) within the development, and also an interest in the common areas of the development shared with other owners.

s. 703.02 (4),
Wis. Stats.

For the purpose of Ch. 703, Wis. Stats, a Condominium is property that is subject to a Condominium Declaration.

s. 703.02 (5),
Wis. Stats.

Condominium Instrument(s):

Recorded documents relating to the creation and subsequent modification of the Condominium, including the declaration; plats and plans of a condominium together with any attached exhibits or schedules; and addendums and amendments.

s. 703.02 (8),
Wis. Stats.

Condominium Declaration:

The Condominium Instrument by which a property becomes subject to the provisions of Ch. 703, Wis. Stats, and that instrument as amended from time to time.

s. 703.02 (1h),
Wis. Stats.

Amendment:

A condominium instrument that modifies a recorded condominium declaration. An Amendment that modifies the physical layout of units or common elements will necessitate the recording of an Addendum (see below).

s. 703.02 (1b),
Wis. Stats.

Addendum:

A condominium instrument that modifies a recorded condominium plat. An Addendum must be recorded whenever changes are made to the physical layout of units or common elements. *Not to be confused with a Correction Instrument (see below).*

s. 703.02 (6m),
Wis. Stats.

Correction Instrument:

An instrument drafted by a licensed land surveyor that complies with the requirements of [s. 59.43 \(2m\)](#) and that, upon recording, corrects an ***error*** in a condominium plat. "Correction instrument" does not include an instrument of conveyance, and is not to be used as an addendum.

Condominiums

DEFINITIONS SPECIFIC TO CONDOMINIUMS:

Unit(s):

s. 703.02 (15),
Wis. Stats.

The portion(s) of a condominium intended for any type of independent ownership and use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors, or parts thereof, in a building. A unit may include 2 or more noncontiguous areas (ex: a dwelling area and a parking space may comprise a single unit). By definition, A development must have units in order to qualify as a condominium.

Common Element(s):

s. 703.02 (2),
Wis. Stats

All of a condominium except its units, including but not limited to driveways, parking areas, open space, walkways, recreational facilities, hallways, laundry rooms, etc. By definition, A development must have common elements in order to qualify as a condominium.

Limited Common Element(s):

s. 703.02 (10),
Wis. Stats

Common element(s) identified in a declaration or on a condominium plat as reserved for the exclusive use of one or more but less than all of the unit owners. (ex: A parking area serving only the unit owners in a specific building is a limited common element.)

Removal Instrument:

s. 703.02 (14g),
Wis. Stats

An instrument that complies with the requirements of [s. 59.43 \(2m\)](#) and that removes property from the provisions of this chapter upon recording. "Removal instrument" does not include an instrument of conveyance. A removal instrument must be recorded prior to changing the lands underlying the condominium with a CSM, subdivision plat, or other plat. (See "Removing a Condominium" later in this section.)

Small Condominium:

s. 703.02 (14m),
Wis. Stats

A condominium development with no more than 12 units.

Expandable Condominium:

s. 703.02 (9),
Wis. Stats

A condominium to which additional property or units or both may be added in accordance with the provisions of a declaration and this chapter. (See "Expanding a Condominium" later in this section.)

Condominiums

CREATING A CONDOMINIUM

A condominium is created by recording simultaneously a condominium declaration and condominium plat with the register of deeds of the county(s) where the property is located.

The Declaration must contain:

- The name and address of the condominium. The name must include the word "condominium" or be followed by the words "a condominium" (ex: "Pine Knoll Condominium" or "Windhaven, a Condominium").
- A description of the land by 1/4-1/4 section, section, town, and range or by reference to a document of record that defines the land [ex: Lot 1 of CSM XXXX] on which the condominium is to be located.
- A statement of the owner's intent to subject the property to the condominium declaration.
- A general description of each unit, including its perimeters, location and any other data sufficient to identify it with reasonable certainty; the number of association votes assigned to each unit.
- A general description of the common elements; a description of the limited common elements and the unit(s) entitled to the use thereof; the percentage interest that each unit has in the common or limited common elements. Fixtures designed to serve a single unit, located contiguous to the unit's boundaries, need not be shown or designated.
- A statement of the purpose(s) for which the building(s) and each of the units are intended, and any restrictions thereon.
- The name and address of the resident agent (see [s. 703.23](#), Wis. Stats).
- The percentage of votes by the unit owners needed to determine whether to rebuild, repair, restore or sell the property in the event of damage or destruction.

s. 703.07 (1),
Wis. Stats

s. 703.09 (1),
Wis. Stats

Condominiums

CREATING A CONDOMINIUM (continued)

The Declaration must contain:

- Other details in connection with the property which the declarant deems desirable to set forth, except those provisions which are required to be included in the bylaws.

s. 703.09 (1c),
Wis. Stats

The declaration must be signed by the owner(s) of the property, the first mortgagee, and any other holder of interest thereof.

The Condominium Plat must contain:

s. 703.11 (1-4),
Wis. Stats

- The name of the condominium (unique within each county), and the name of the county in which the property is located, on each sheet. If more than one sheet, each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of sheets.
- A blank space at least 2.5 inches by 2.5 inches in size on the first sheet for recording use by the register of deeds.
- A survey map of the property, **which complies with minimum standards for property surveys (A-E 7)**, and which shows the location of all separate units and buildings located or to be located on the property.
- Plans that show the location, perimeters, approximate dimensions, and approximate square footage of each building and of each unit therein. Common and limited common elements shall be shown graphically to the extent feasible.
- Number(s) for each unit, containing no more than 8 numerals, and unique throughout the condominium. (Letter or alpha-numeric designations are not permitted.)
- Certification by the licensed land surveyor that created or under whose direction the plat was created, and is authorized to practice in this state, that the plat is a correct representation of the condominium described and that the identification and location of each unit and the common elements can be determined from the plat.

Condominiums

CREATING A CONDOMINIUM (continued)

s. 703.11 (1-4),
Wis. Stats

The Condominium Plat must be legibly prepared, with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides, on durable white media that is 14 inches long by 22 inches wide with a permanent nonfading black image. The maps and plans may be drawn to a convenient scale.

The condominium plat shall be recorded in a separate book maintained for condominium plats in the office of the Register of Deeds in which the condominium is located.

Condominium Plats Can Not:

- Create lots, outlots, or other parcels for building or sale.
- Create public streets, alleys or ways, or dedicate any area to the public.
- Alter any area previously dedicated to the public, nor modify or remove any easements, restrictions, or other encumbrances on the land.
- Be used to subdivide land, nor to convey interest in land.

We recommend consulting **75 Op. Att’y Gen. 94, 95 (1986)** for a discussion of Wisconsin Law governing condominium creation, available at:

<http://www.doj.state.wi.us/>

Condominiums

MODIFYING A CONDOMINIUM

s. 703.095,
Wis. Stats

A recorded condominium plat or declaration, and any amendment or addendum thereto, may only be modified by recording an amendment, addendum or correction instrument, or by removal from the provisions of this chapter under [s. 703.28 \(1\)](#).

An amendment is used to modify a declaration and previous amendments thereto. An addendum is used to modify a plat and previous addenda thereto.

Amendments and addenda must be numbered consecutively and must bear the name of the condominium as it appears in the declaration.

Correction instruments may only be used to correct **errors** on plats, and must refer to the plat being corrected. Declarations, amendments, and addenda are "corrected" by recording subsequent amendments and addenda.

Amendments

s. 703.09 (2-4),
Wis. Stats

Amendments to the condominium declaration may be used to change unit boundaries, common elements, and percentage interest; instigate improvements and modifications to buildings and grounds; allow separation or mergers of or modifications within units, and other particulars.

s. 703.093 (1-9),
Wis. Stats

The process for amending the condominium declaration has very specific procedural, notification, and time requirements as outlined in s. 703.09 (2-4), and s. 703.093, Wis. Stats., and will not be included in this discussion.

Condominiums

MODIFYING A CONDOMINIUM

Addendum

An addendum to a condominium plat is recorded whenever amendments to the declaration involve changes that affect unit or common element boundaries, the dimensions or locations of buildings or other improvements, and any other items shown on the condominium plat map or plans.

s. 703.11 (5),
Wis. Stats

Also, an addendum to the condominium plat that is not included as part of an amendment to the declaration may be recorded, provided that the addendum is created using the same procedure as an amendment to the declaration under [s. 703.09 \(2\)](#).

Addendum to Relocate Boundaries

Adjoining unit owners may, if allowed by the declaration or amendments thereto, agree to alter the boundaries between their units.

s. 703.13 (6)(e,f),
Wis. Stats

Plats and plans showing the altered boundaries and the dimensions thereof between adjoining units, and their identifying numbers, shall be prepared, and shall be certified as to their accuracy and compliance with ch. 703 by a civil engineer, architect or licensed land surveyor authorized to practice in this state.

After the plats and plans have been prepared and certified, they shall be delivered promptly to the adjoining unit owners upon payment of all reasonable charges for the preparation thereof.

The addenda are effective when the unit owners have executed them and they are recorded in the name of the grantor and grantee. The recordation thereof is conclusive evidence that the relocation of boundaries does not violate any condominium instruments.

Addendum to Separate Units

A unit owner may, if allowed by the declaration or amendments thereto, separate their unit into 2 or more units.

s. 703.13 (7)(c,d),
Wis. Stats

Plats and plans showing the boundaries and dimensions separating the new units, together with their other boundaries and their new identifying numbers shall be prepared, and shall be certified as to their accuracy and compliance with ch. 703 by a civil engineer, architect or licensed land surveyor authorized to practice in this state.

Condominiums

MODIFYING A CONDOMINIUM

Addendum to Separate Units (continued)

s. 703.13 (7)(c,d),
Wis. Stats

After the plats and plans have been prepared and certified, they shall be delivered promptly to the separator upon payment of all reasonable cost for their preparation.

The addenda are effective when executed by the separator and recorded. The recordation thereof is conclusive evidence that the separation does not violate any restrictions or limitation specified by the condominium instruments.

Addendum to Merge Units

s. 703.13 (8)(c,d),
Wis. Stats

Adjoining unit owners may, if allowed by the declaration or amendments thereto, agree to merge 2 or more units into one unit.

Plats and plans showing the boundaries and dimensions of the new unit together with the new identifying number shall be prepared, and shall be certified as to their accuracy and compliance with ch. 703 by a civil engineer, architect, or licensed land surveyor authorized to practice in this state.

After the plats and plans have been prepared and certified, they shall be delivered promptly to the owner or owners of the merged unit upon payment of all reasonable costs for their preparation.

The addenda are effective when executed by the owner or owners of the merged unit and recorded. The recordation thereof is conclusive evidence that the merger did not violate any restriction or limitation specified by the condominium instruments.

Addendum to Accommodate Code or Zoning Changes

s. 703.265,
Wis. Stats

If the revision or adoption of a building code or zoning ordinance prevents or substantially affects the construction or reconstruction of a unit or common elements as platted, the declarant, unit owner, or association, as appropriate, may reasonably modify the condominium plat by addendum, to the extent necessary to comply with the code or ordinance in order to construct or reconstruct the unit or common elements.

Condominiums

MODIFYING A CONDOMINIUM

Addendum to Merge Condominiums

s. 703.275,
Wis. Stats

Unit owners of any 2 or more condominiums may, if allowed by the declaration or amendments thereto, agree to merge 2 or more condominiums into one condominium.

Plats and plans showing the boundaries, buildings, units, and common elements of the merged condominium, together with the new identifying numbers of the units, shall be prepared, and shall be certified as to their accuracy and compliance with ch. 703 by a civil engineer, architect, or licensed land surveyor authorized to practice in this state. The plat shall retain the name of one the preexisting condominiums, and will be recorded as an addendum thereto.

The resultant condominium plat addendum, and a restatement of the declaration of the resultant condominium that includes the merger agreement, shall be recorded as provided in [s. 703.07](#). The register of deeds shall reference the document number, volume and page of the plat of the resultant condominium on the plats of the preexisting condominiums and shall note that the preexisting condominium has been merged.

s. 703.28 (1m) (a),
Wis. Stats

If the merger necessitates the creation of a new plat for the resultant condominium, the property of the preexisting condominiums shall first be removed from the provisions of this chapter by recording a removal instrument (see next page).

Condominiums

REMOVING PROPERTY FROM THE CONDOMINIUM

s. 703.28 (1),
Wis. Stats

All of the unit owners by agreement **may** remove all or any part of the condominium property from the provisions of Ch. 703 by the recording of a removal instrument that complies with the requirements of [s. 59.43 \(2m\)](#) (Note: s. 59.43 (2m) relates to formatting requirements of documents submitted for recording).

s. 703.28 (2),
Wis. Stats

Once removed, the property is owned in common by all unit owners, at the same percentage interest that each owner previously held in the common elements.

s. 703.28 (1m) (b),
Wis. Stats

Prior to the recording of a certified survey map, condominium plat, subdivision plat or other plat affecting property within the condominium, the condominium **must** be removed from the provisions of Ch. 703 by recording a removal instrument.

Upon removal, the description of the land on which the condominium was located reverts to the description that existed prior to the creation of the condominium (e.g. "Lot 1 of CSM XXXX").

s. 703.29,
Wis. Stats

Subsequent to making changes to the lands on which the condominium was located, the property may then be reestablished as a condominium per the provisions of Ch. 703.

Condominiums

EXPANDING A CONDOMINIUM

s. 703.26 (1),
Wis. Stats

A declarant may reserve the right to expand a condominium, provided that:

s. 703.26 (2)(a),
Wis. Stats

- The declaration establishing the condominium describes each parcel of property which may be added to the condominium.

s. 703.26 (2)(b),
Wis. Stats

- The declaration establishing the condominium shows the maximum number of units which may be added, and the percentage interests in the common elements, the liabilities for common expenses and the rights to common surpluses, and the number of votes accorded to each unit following the expansion.

s. 703.26 (2)(c),
Wis. Stats

- The condominium plat includes, in general terms, the outlines of the land, buildings, and common elements of property that may be added to the condominium.

s. 703.26 (2)(d),
Wis. Stats

- The expansion must take place within 10 years from the date of recording the declaration.

s. 703.26 (3),
Wis. Stats

If the above conditions are complied with, property may be added to a condominium when the declarant records an amendment to the declaration, showing the new percentage interests of the unit owners, and the votes which each unit owner may cast in the condominium as expanded, and records an addendum to the condominium plat that includes the detail and information concerning the new property as required in the original condominium plat.

s. 703.365 (7),
Wis. Stats

Small Condominiums as defined by s. 703.02 (14m) may not be expanded.

Condominiums

REGULATION AND REVIEW

s. 703.27,
Wis. Stats

A zoning or other land use ordinance or regulation may not prohibit the condominium form of ownership or impose any requirements upon a condominium development that it would not impose if the development were under a different form of ownership.

No subdivision ordinance may be extended to apply to any condominium, unless such ordinance expressly states that it is applicable to condominiums.

Any other ordinance that regulates condominiums must be expressly applicable to condominiums, and must be reasonably related to the nature of condominium ownership.

No county, city, or other jurisdiction may enact any law, ordinance, or regulation that would impose a greater burden or restriction on a condominium or provide a lower level of services to a condominium than would be imposed or provided if the condominium were under a different form of ownership.

s. 703.115,
Wis. Stats

A county may adopt an ordinance that requires the county, or any city, village or town within the county, to review any or all condominium instruments prior to recording, provided that the ordinance does all of the following:

- Requires the review to be completed within 10 working days after submission and provides that, if the review is not completed within this period, the condominium instrument is deemed approved for recording.
- Provides that a condominium instrument may be rejected only if it fails to comply with the applicable requirements of [ss. 703.095](#), [703.11 \(2\) \(a\)](#), [\(c\)](#) and [\(d\)](#) and [\(3\)](#), [703.275 \(5\)](#) and [703.28 \(1m\)](#) or if the surveyor's certificate under [s. 703.11 \(4\)](#) is not attached to or included in the condominium plat.
- Requires the person performing the review, upon approval, to certify said approval in writing upon the condominium instrument, accompanied by their signature and title.

The approving authority may charge a fee that reflects the actual cost of performing the review.

Condominiums

RULES OF CONSTRUCTION FOR CONDOMINIUM INSTRUMENTS

s. 703.12,
Wis. Stats

Description Of Units

A description in any deed, condominium instrument, or other instrument, which makes reference to the unit number as shown on the condominium plat, shall be a good and sufficient description for all purposes.

s. 703.30 (2),
Wis. Stats

Conformity to Ch. 703

The provisions of any condominium instruments filed per Ch. 703 shall be liberally construed to facilitate the creation and operation of the condominium. So long as the condominium instruments substantially conform with the requirements of the chapter, no variance from the requirements shall affect the condominium status of the property nor the title of any unit owner.

s. 703.30 (4),
Wis. Stats

Conflicts Between Instruments

In the event of a conflict between the provisions of a declaration and the provisions of a condominium plat or of the bylaws, the provisions of the declaration shall control. In the event of a conflict between the provisions of any condominium instrument and the provisions of the bylaws, the provisions of the condominium instrument shall control. In the event of a conflict between the provisions of the condominium instruments or bylaws and the provisions of Ch. 703, the provisions of the chapter shall control.

s. 703.30 (5),
Wis. Stats

Condominium instruments are construed together to the extent that any deficiency in the requirements of Ch. 703 within one instrument can be satisfied when the deficiency is corrected within any of the other instruments.

Condominiums

EASEMENTS WITHIN A CONDOMINIUM

s. 703.32 (1),
Wis. Stats

The existing physical boundaries of any unit or common element that is constructed or reconstructed in substantial conformity with the condominium plat shall be conclusively presumed to be the actual boundaries, regardless of any minor variation between the physical boundaries and those as described in the declaration or as shown on the condominium plat.

s. 703.32 (2),
Wis. Stats

If a unit encroaches on a common element or a common element encroaches on a unit due to the duly authorized construction, reconstruction or repair of any building, a valid easement for the encroachment shall exist so long as the building stands.

s. 703.32 (4),
Wis. Stats

The condominium association has an easement to enter units to make repairs to common elements when the repairs reasonably appear necessary for public safety or to prevent damage to other portions of the condominium. Except in cases involving manifest danger to public safety or property, the association shall give reasonable notice to the owner of any unit to be entered for the purpose of such repairs. Entry by the association for these purposes may not be considered a trespass.

s. 703.32 (3),
Wis. Stats

The sale, exchange, merger, separation, grant or other disposition of a condominium unit shall include and be subject to these easements without specific or particular reference to the easement.

WISCONSIN CONDOMINIUM PLAT CHECKLIST

(This form is NOT the statute. It is a guide to the statute)

s. 703.11 CONDOMINIUM PLAT

s. 703.11 (1) Plat is to be filed for record when any condominium instruments are recorded.

s. 703.11 (2) Required particulars

- (a) The county and condominium name (unique within the county) must appear on each sheet.
- (a) All sheets must be numbered as sheet ____ of ____ sheets, if more than one sheet.
- (am) A blank space 2.5" x 2.5" on sheet 1 for register of deeds recording data.
- (b) Survey of the property described in declaration in compliance with [A-E 7.01](#) Wis. Admin. Code.
-show location of building and/or unit located or to be located
- (c) Plat must show: perimeters, approximate dimensions, approximate areas of each building and each unit therein; location of each unit within each building; common elements shown graphically and identified.
- (d) Plats shall be legibly prepared at any scale, with a nonfading black image on durable white paper, 14" x 22" with a 1 1/2" binding margin on left side and 1" margins on other sides.

s. 703.11 (3) **Designation of units.** Units must be designated by number that may not contain more than 8 numerals and must be unique throughout the condominium.

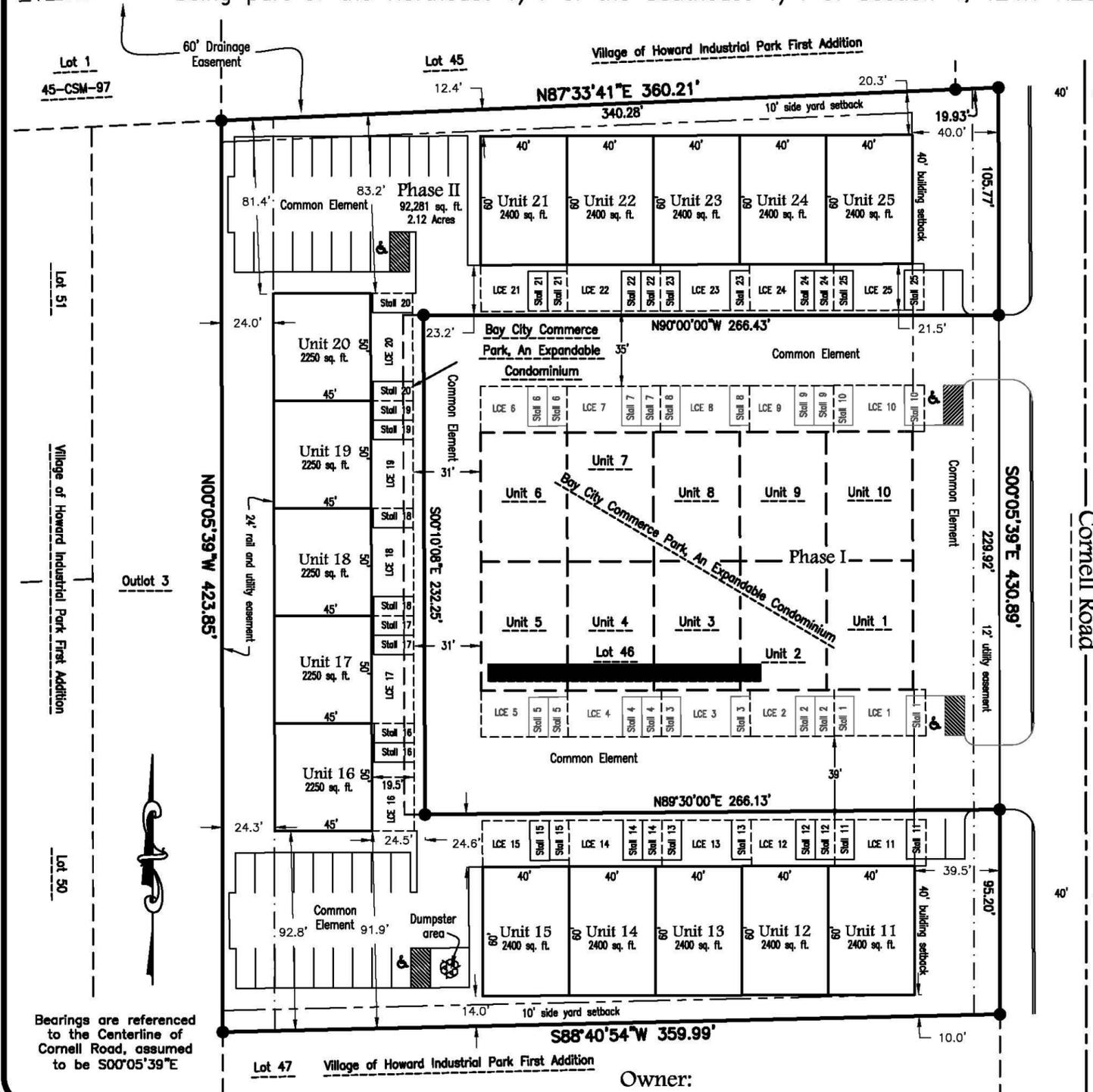
s. 703.11 (4) Surveyor's Certificate

- Statement that the plat is a correct representation of the condominium described and the identification and location of each unit and the common elements can be determined from the plat.

<http://doa.wi.gov/platreview>

Bay City Commerce Park, An Expandable Condominium, First Addendum

Part of the recorded "Bay City Commerce Park, An Expandable Condominium" (Vol. 4, Condominium Plats, page 257, Document Number 2213005, Brown County Records), and part of Lot 46, of the recorded plat of "Village of Howard Industrial Park First Addition," all being part of the Northeast 1/4 of the Southeast 1/4 of Section 4, T24N-R20E, in the Village of Howard, Brown County, Wisconsin.



Descriptions

Total Boundary

All of Lot 46, Plat of "Village of Howard Industrial Park First Addition," said lot being Part of the NE 1/4 of the SE 1/4 of Section 4, T24N-R20E, Village of Howard, Brown County, Wisconsin

Parcel contains 153,813 square feet / 3.53 acres, more or less. Parcel subject to easements and restrictions of record.

Phase II

Part of the recorded "Bay City Commerce Park, An Expandable Condominium" (Vol. 4, Condominium Plats, page 257, Document Number 2213005, Brown County Records), and part of Lot 46, of the recorded plat of "Village of Howard Industrial Park First Addition," all being part of the Northeast 1/4 of the Southeast 1/4 of Section 4, T24N-R20E, in the Village of Howard, Brown County, Wisconsin, more fully described as follows:

Beginning at the Northeast Corner of Lot 46 "Village of Howard Industrial Park First Addition"; thence S00°05'39"E, 105.77 feet along the westerly right-of-way of Cornell Road; thence N90°00'00"W, 266.43 feet; thence S00°10'08"E, 232.25 feet; thence N89°30'00"E, 266.13 feet; thence S00°05'39"E, 95.20 feet along said right-of-way; thence S88°40'54"W, 359.99 feet along the southerly line of said Lot 46; thence N00°05'39"W, 423.85 feet along the westerly line of said Lot 46; thence N87°33'41"E, 360.21 feet along the northerly line of said Lot 46 to the point of beginning.

Parcel contains 92,281 square feet / 2.12 acres, more or less. Parcel subject to easements and restrictions of record.

Surveyor's Certificate

I, _____, Registered Land Surveyor, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the buildings and improvements to be constructed upon the property.

This plat is a correct representation of "BAY CITY COMMERCE PARK, AN EXPANDABLE CONDOMINIUM, FIRST ADDENDUM" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the condominium buildings and units contained in the plat and the approximate dimensions and floor areas thereof.

July 28, 2006
Revised: July 25, 2007

There are no objections to this condominium plat with respect to Sec. 703.115 Wis. Stats. and is hereby approved for the Brown County Plan Commission.
Dated this _____ day of _____, 20____

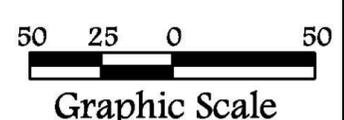
James E. Wallen
Brown County Property Lister

Notes

- 1) Building plans provided by client and do not represent as built conditions.
- 2) Parking stalls & walks are limited common elements to the appurtenant unit.
- 3) All areas within the condominium and outside the units and expansion lands, except those areas designated as limited common elements, are common elements.
- 4) The developer/owner reserves the right to vary the number and orientation of buildings and units in the expansion lands.



- ### Legend
- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
 - 1" iron pipe found
 - LCE Limited Common Element



Office of the Register of Deeds
Brown County, Wisconsin

Received for Record _____, 20____
at _____ o'clock _____ M and recorded as
Document # _____ in
Volume _____ of _____ on Page _____

Cathy Williquette, Register of Deeds

TAX PARCEL NO.
VH-747-B-748

DRAWN BY:
JMP

CHECKED BY:
LDB

SCALE: 1" = 50'

DATE
July 25, 2007

Autocad Drawing No.
P-8405 Paters 1st Addendum

PROJECT NO.
G-8405

SHEET NO.
1 of 1

DRAWING NO.
X-584

Bearings are referenced to the Centerline of Cornell Road, assumed to be S00°05'39"E

Owner:

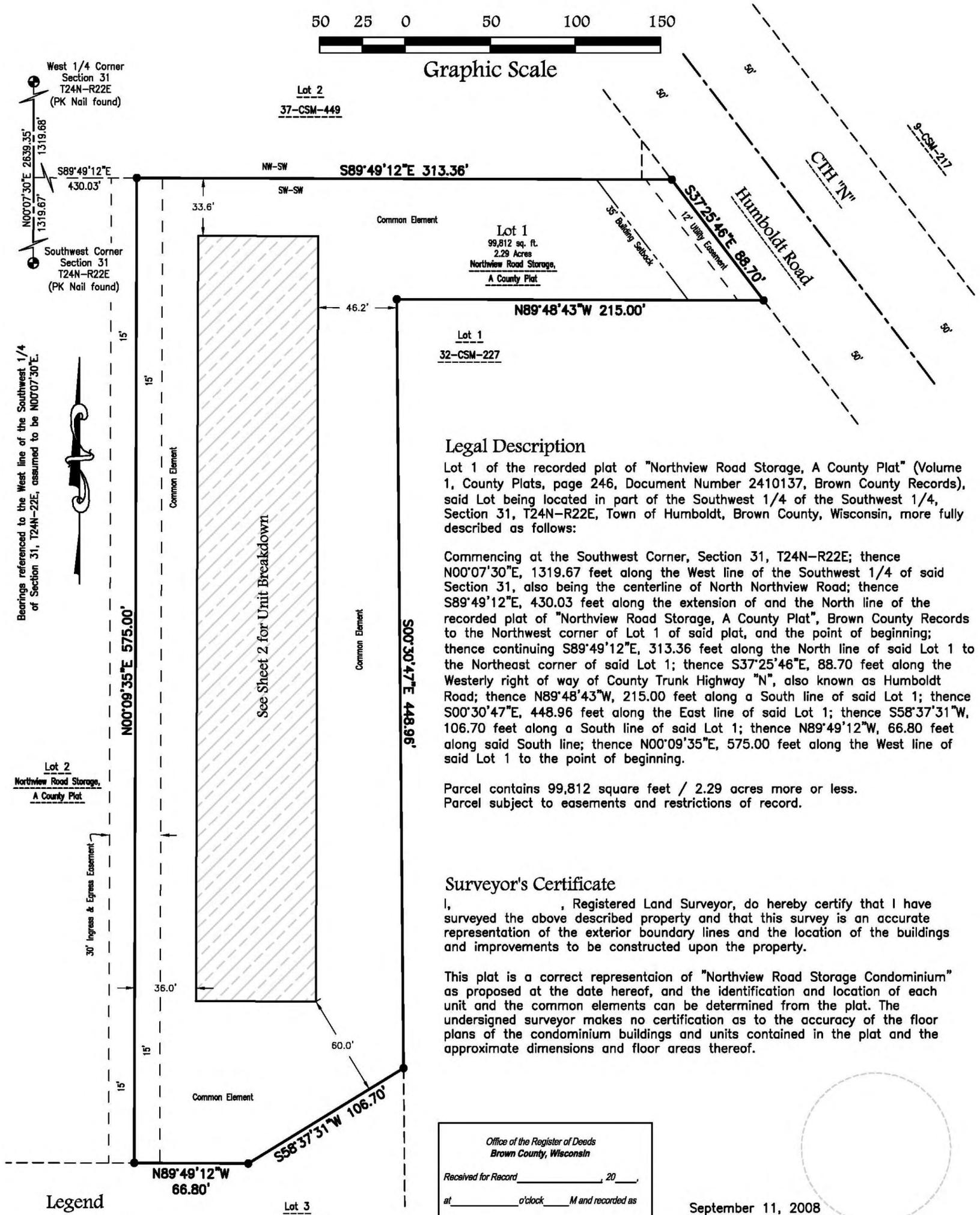
Northview Road Storage Condominium

Lot 1 of the recorded plat of "Northview Road Storage, A County Plat" (Volume 1, County Plats, page 246, Document Number 2410137, Brown County Records), said Lot being located in part of the Southwest 1/4 of the Southwest 1/4, Section 31, T24N-R22E, Town of Humboldt, Brown County, Wisconsin.

50 25 0 50 100 150



Graphic Scale



Legal Description

Lot 1 of the recorded plat of "Northview Road Storage, A County Plat" (Volume 1, County Plats, page 246, Document Number 2410137, Brown County Records), said Lot being located in part of the Southwest 1/4 of the Southwest 1/4, Section 31, T24N-R22E, Town of Humboldt, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest Corner, Section 31, T24N-R22E; thence N00°07'30"E, 1319.67 feet along the West line of the Southwest 1/4 of said Section 31, also being the centerline of North Northview Road; thence S89°49'12"E, 430.03 feet along the extension of and the North line of the recorded plat of "Northview Road Storage, A County Plat", Brown County Records to the Northwest corner of Lot 1 of said plat, and the point of beginning; thence continuing S89°49'12"E, 313.36 feet along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence S37°25'46"E, 88.70 feet along the Westerly right of way of County Trunk Highway "N", also known as Humboldt Road; thence N89°48'43"W, 215.00 feet along a South line of said Lot 1; thence S00°30'47"E, 448.96 feet along the East line of said Lot 1; thence S58°37'31"W, 106.70 feet along a South line of said Lot 1; thence N89°49'12"W, 66.80 feet along said South line; thence N00°09'35"E, 575.00 feet along the West line of said Lot 1 to the point of beginning.

Parcel contains 99,812 square feet / 2.29 acres more or less.
Parcel subject to easements and restrictions of record.

Surveyor's Certificate

I, _____, Registered Land Surveyor, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the buildings and improvements to be constructed upon the property.

This plat is a correct representation of "Northview Road Storage Condominium" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the floor plans of the condominium buildings and units contained in the plat and the approximate dimensions and floor areas thereof.

Office of the Register of Deeds
Brown County, Wisconsin

Received for Record _____, 20____,
at _____ o'clock _____ M and recorded as
Document # _____ in
Volume _____ of _____ on Page _____

Cathy Williquette, Register of Deeds

September 11, 2008
Revised: April 22, 2009

Legend

- 1" iron pipe found
- ⊕ Brown County Monument - type noted

Declarant: _____

SCALE: 1" = 50'

TAX PARCEL NO.
HM-455-5

DRAWN BY:
BAR

File: V-2495Condo 090908.dwg

DRAWING NO.
X-6335

SHEET NO.
1 of 2

PROJECT NO.
V-2495

Northview Road Storage Condominium

Lot 1 of the recorded plat of "Northview Road Storage, A County Plat" (Volume 1, County Plats, page 246, Document Number 2410137, Brown County Records), said Lot being located in part of the Southwest 1/4 of the Southwest 1/4, Section 31, T24N-R22E, Town of Humboldt, Brown County, Wisconsin.

50 25 0 50 100 150



Graphic Scale



Unit Breakdowns

Unit 1	70.0'	25.0'
Unit 2	70.0'	25.0'
Unit 3	70.0'	25.0'
Unit 4	70.0'	25.0'
Unit 5	70.0'	25.0'
Unit 6	70.0'	25.0'
Unit 7	70.0'	25.0'
Unit 8	70.0'	25.0'
Unit 9	70.0'	25.0'
Unit 10	70.0'	25.0'
Unit 11	70.0'	25.0'
Unit 12	70.0'	25.0'
Unit 13	70.0'	25.0'
Unit 14	70.0'	25.0'
Unit 15	70.0'	25.0'
Unit 16	70.0'	25.0'
Unit 19	50.0'	23.3'
Unit 18	50.0'	23.3'
Unit 17	50.0'	23.3'

Units 1 - 16 = 1,750 square feet each
 Units 17 - 19 = 1,166 square feet each

Owner's Certificate

a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that said limited liability company caused the land on this Condominium to be surveyed, divided, and mapped as represented hereon. does further certify that this Condominium is required to be submitted to the Brown County Planning Commission for approval or objection in accordance with current Condominium Laws.

In Witness Whereof, the said _____ has caused these presents to be signed by _____, its Member, on this ____ day of _____, 20__.

Member

Personally came before me this ____ day of _____, 20__, the above named Member of said Limited Liability Company and acknowledged that he executed the foregoing instrument as such Member as the deed of said Limited Liability Company, by its authority.

Notary Public

My Commission Expires

Brown County, Wisconsin

STATE OF WISCONSIN]
] SS
 COUNTY OF BROWN]

Brown County Planning Commission

There are no objections to this condominium plat with respect to Sec. 703.115 Wis. Stats. and is hereby approved for the Brown County Plan Commission.

Dated this ____ day of _____, 20__.

James E. Wallen
 Brown County Property Lister

Notes

- 1) Building plans provided by client and do not represent as built conditions.
- 2) Concrete & Asphalt aprons are limited common elements to the appurtenant unit.
- 3) All areas within the condominium and outside the units, except those areas designated as limited common elements, are common elements.

Declarant:

SCALE: 1" = 50'

TAX PARCEL NO.
 HM-455-5

DRAWN BY:
 BAR

File: V-2495Condo 090908.dwg

DRAWING NO.
 X-635

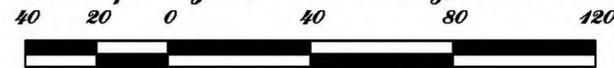
SHEET NO.
 2 of 2

PROJECT NO.
 V-2495

The Cottages

at White Potato Lake - A Condominium -

Lot 1, Volume 32, Certified Survey Maps, page 20, Map Number 4313, Document Number 615319, Oconto County Records, being in part of Government Lot 8, Section 26, and part of Government Lot 4, Section 25, all in T31N-R18E, in the Town of Brazeau, Oconto County, Wisconsin.



Graphic Scale

Notes

- 1) Building plans provided by client and do not represent as built conditions.
- 2) Decks, patios, drives & walks are limited common elements to the appurtenant unit.
- 3) All areas within the condominium and outside the units, except those areas designated as limited common elements, are common elements.
- 4) All building setbacks and other land use requirements should be verified by the Oconto County Zoning Office prior to any construction or other use activities.
- 5) The 100-year flood plain elevation is 96.24 (local datum) per the May 1, 1995 memorandum from Dean Stitgen.
- 6) BM 1086-C; elevation 96.12 (local datum), is a square chiseled in the center of the upstream concrete wall of the dam.

Legal Description

Lot 1, Volume 32, Certified Survey Maps, page 20, Map Number 4313, Document Number 615319, Oconto County Records, being in part of Government Lot 8, Section 26, and part of Government Lot 4, Section 25, all in T31N-R18E, in the Town of Brazeau, Oconto County, Wisconsin, more fully described as follows:

Beginning at the Northeast corner of Lot 1, Volume 32, Certified Survey Maps, page 20, Map Number 4313, Oconto County Records; thence S41°52'48"W, 163.52 feet along the Westerly right of way of South White Potato Lake Road; thence 132.76 feet along said right of way being the arc of a 342.00 foot radius curve to the right whose long chord bears S53°00'04"W, 131.93 feet; thence S64°07'20"W, 2.68 feet along said right of way to the Southeast corner of said Lot 1; thence N16°01'19"W, 174.47 feet along the West line of said Lot 1 to a point being S16°01'19"E, 35 feet, more or less from the waters edge of White Potato Lake and being the start of a meander line; thence N41°52'48"E, 202.74 feet along said meander line to a point being S48°07'12"E, 38 feet, more or less from said waters edge and being the end of said meander line; thence S48°07'12"E, 174.26 feet along the North line of said Lot 1 to the point of beginning.

Parcel contains 50, 024 square feet / 1.15 acres, more or less, including all lands lying between the meander line and the waters edge of said White Potato Lake.
Parcel subject to easements and restrictions of record.

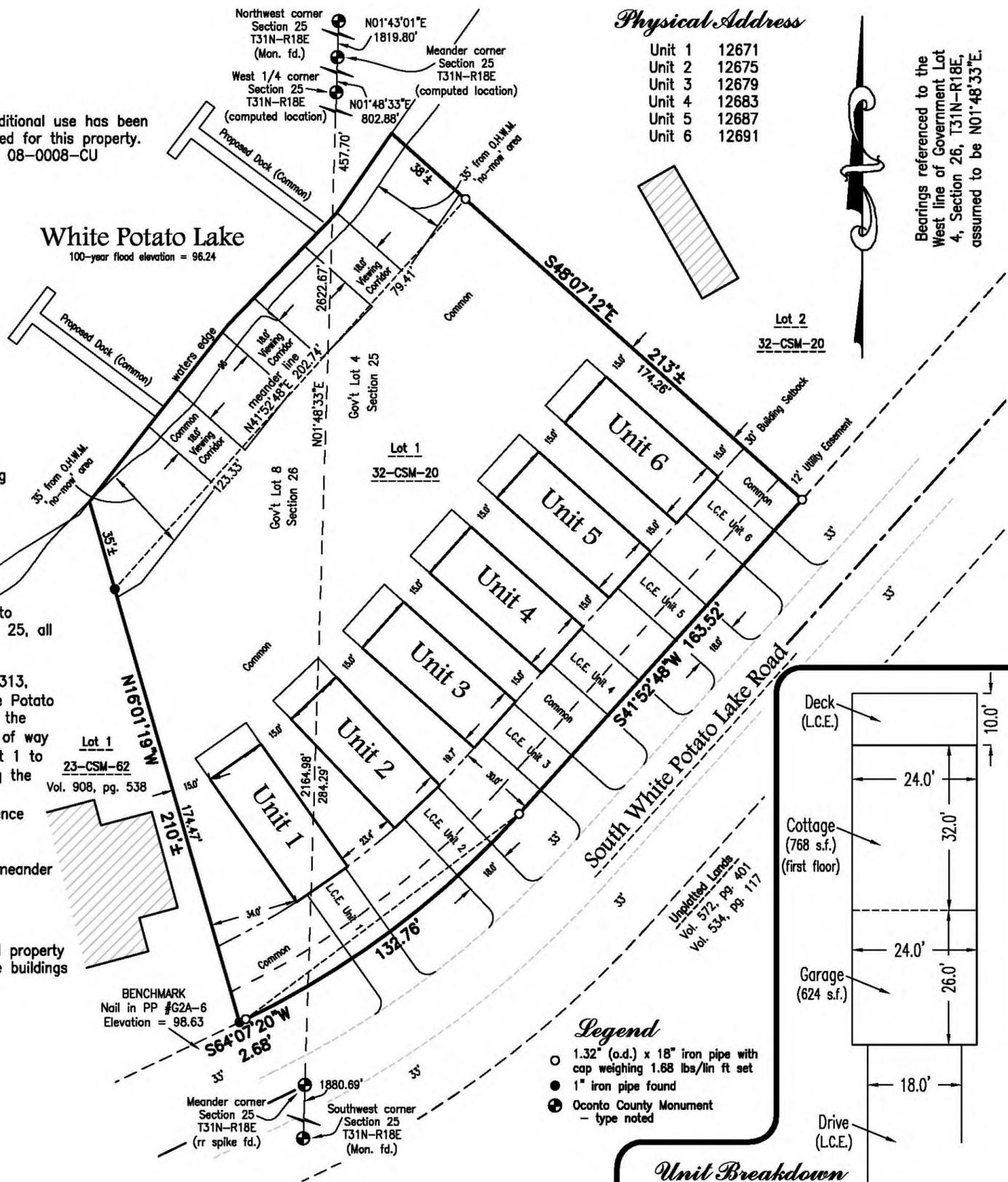
Surveyor's Certificate

I, _____, Registered Land Surveyor, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the buildings and improvements to be constructed upon the property.

This plat is a correct representation of "The Cottages at White Potato Lake, A Condominium" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the floor plans of the condominium buildings and units contained in the plat and the approximate dimensions and floor areas thereof.

A conditional use has been granted for this property.
08-0008-CU

White Potato Lake
100-year flood elevation = 96.24



Physical Address

Unit 1	12671
Unit 2	12675
Unit 3	12679
Unit 4	12683
Unit 5	12687
Unit 6	12691

Bearings referenced to the West line of Government Lot 4, Section 26, T31N-R18E, assumed to be N01°48'33"E.

Legend

- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊕ Oconto County Monument - type noted

SCALE: 1" = 40'

TAX PARCEL NO.
00858250164.1

DRAWN BY:
BAR

File: W-19107Condo 011508.dwg

PROJECT NO.
W-19107

SHEET NO.
1 of 2

DRAWING NO.
X-619

The Cottages

at White Potato Lake - A Condominium -

Lot 1, Volume 32, Certified Survey Maps, page 20, Map Number 4313, Document Number 615319, Oconto County Records, being in part of Government Lot 8, Section 26, and part of Government Lot 4, Section 25, all in T31N-R18E, in the Town of Brazeau, Oconto County, Wisconsin.

Owner's Certificate

LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that said limited liability company caused the land on this Condominium Plat to be surveyed and mapped as represented hereon. LLC does further certify that this Condominium Plat is required to be submitted to the Oconto County Planning and Zoning Department for approval or objection in accordance with current Land Subdivision Ordinances.

In Witness Whereof, the said _____, LLC has caused these presents to be signed by _____, its Member, on this ____ day of _____, 20__.

Member

Personally came before me this ____ day of _____, 20__, the above named Member of said Limited Liability Company and acknowledged that he executed the foregoing instrument as such Member as the deed of said Limited Liability Company, by its authority.

Notary Public
_____ County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN }
COUNTY OF _____ } SS

Oconto County Planning & Zoning Certificate

Approved for the Oconto County Zoning Department this ____ day of _____, 20__.

Patrick Virtues
Zoning Administrator

Town of Brazeau Certificate

Approved for the Town of Brazeau this ____ day of _____, 20__.

Town Clerk

Treasurer's Certificate

As duly elected Town Treasurer and Oconto County Treasurer, We hereby certify that the records in our office show no unredeemed tax sales and no unpaid taxes or special assessments affecting any of the lands included in this Condominium Plat as of the dates listed below.

Town Treasurer Date

Oconto County Treasurer Date

SCALE: 1" = 40'

DRAWN BY:
BAR
TAX PARCEL NO.
00858250164.1

File: W-19107Condo 011508.dwg

PROJECT NO.
W-19107

SHEET NO.
2 of 2

DRAWING NO.
X-619

Office of the Register of Deeds
Brown County, Wisconsin
Received for Record _____, 20____
at _____ o'clock _____ M and recorded as
Document # _____ in
Volume _____ of _____ on Page _____
Cathy Williquette, Register of Deeds

Owners:

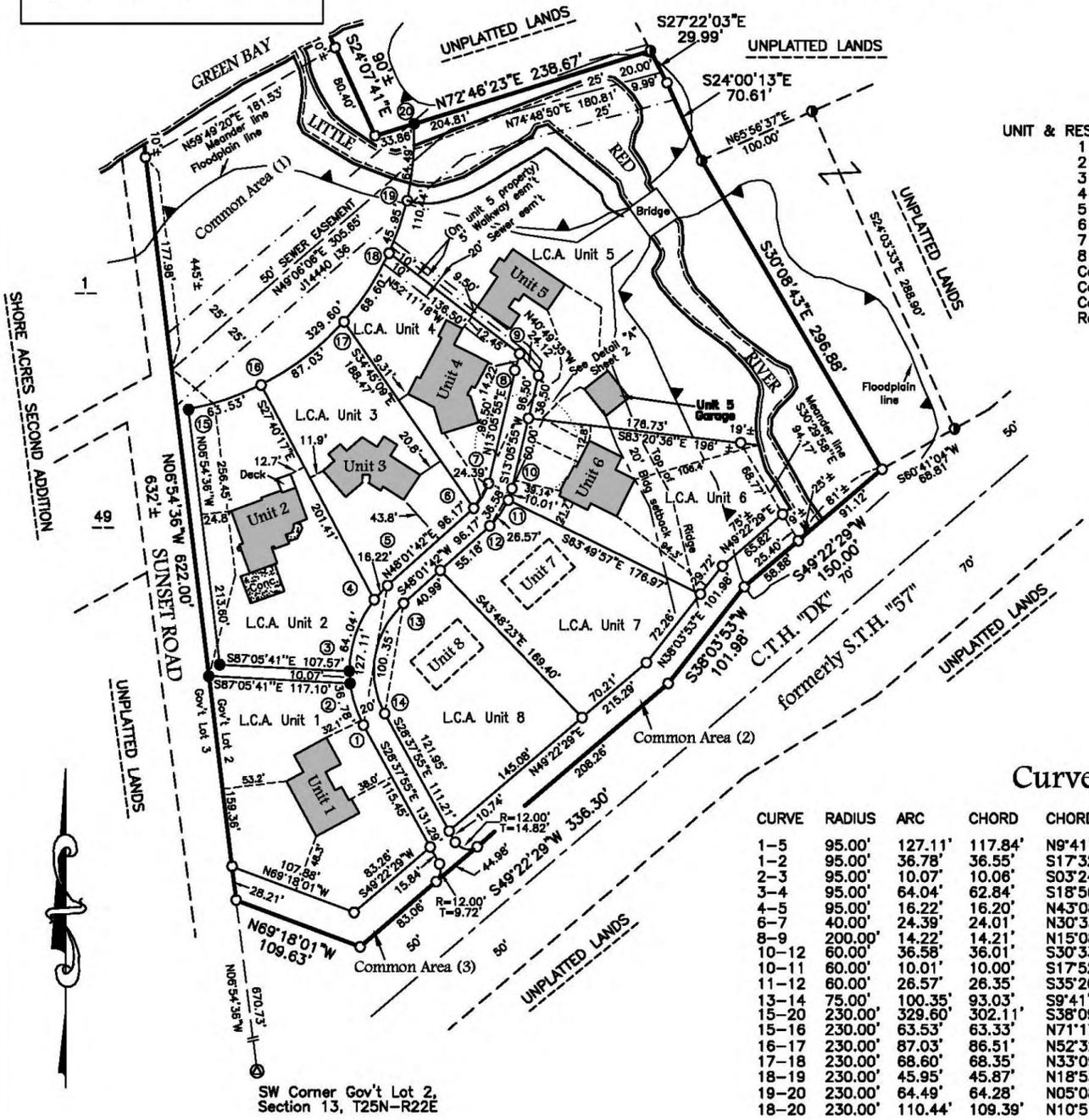
SAND BEACH COMMONS A CONDOMINIUM, FIFTH ADDENDUM

Part of Government Lot 2, Section 13, T25N-R22E, in the Town
of Green Bay, Brown County, Wisconsin.

NOTE:
Floodplain line Elev. 586.00'

100 50 0 100 200 300

Graphic Scale



UNIT & RESPECTIVE L.C.A.	SQUARE FOOTAGE
1	24,393
2	23,476
3	18,761
4	14,752
5	79,225
6	20,975
7	19,142
8	19,903
Common Area 1	48,253
Common Area 2	9,774
Common Area 3	4,901
Road Common Area	9,727

LEGAL DESCRIPTION

Part of Government Lot 2, Section 13, T25N-R22E, Town of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Government Lot 2, Section 13, T25N-R22E; thence N6°54'36"W, 670.73 feet along the West line of said Government Lot 2, to the Northerly right of way of S.T.H. "57" and the point of beginning; thence continuing N6°54'36"W, 622.00 feet along said West line to a point being S6°54'36"E, 10 feet, more or less, from the high water mark of Green Bay and is the start of a meander line; thence N59°49'20"E, 181.53 feet along said meander line to a point being S24°07'41"E, 10 feet, more or less, from the high water mark of Green Bay and is the end of said meander line; thence S24°07'41"E, 80.40 feet along the West line of Volume 824, Records, page 589, Brown County Records; thence N72°46'23"E, 238.67 feet along the South line of said volume and page and Volume 999, Records, page 246, Brown County Records; thence S27°22'03"E, 29.99 feet along the West line of Jacket 11072, Image 43, Brown County Records; thence S24°00'13"E, 70.61 feet along the West line of said Jacket 11072, Image 43; thence S30°08'43"E, 296.88 feet to the Northerly right of way of C.T.H. "DK, formerly known as S.T.H. "57"; thence S49°22'29"W, 150.00 feet along said right of way; thence S38°03'53"W, 101.98 feet along said right of way; thence S49°22'29"W, 336.30 feet along said right of way; thence N69°18'01"W, 109.63 feet along said right of way to the point of beginning, including all lands lying between the meander line and the high water mark of the Green Bay.

Parcel contains 293,282 square feet / 6.73 acres, more or less, including all lands lying between the meander line and the high water mark of the Green Bay. Parcel subject to easements of record.

SURVEYOR'S CERTIFICATE

I, _____, Registered Land Surveyor, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the buildings and improvements to be constructed upon the property.

This plat is a correct representation of "Sand Beach Commons, A Condominium, Fifth Addendum" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the floor plans of the condominium buildings and units contained in the plat and the approximate dimensions and floor areas thereof.

January 17, 2007
Revised: March 01, 2007

BROWN COUNTY PLANNING COMMISSION

There are no objections to this condominium plat with respect to Sec. 703.115 Wis. Stats. and is hereby approved for the Brown County Plan Commission. Dated this _____ day of _____, 2007.

James E Wallen
Brown County Property Lister

Bearings referenced to the west line of Gov't Lot 2, Section 13, T25N-R22E, assumed to be N6°54'36"W.

Legend

- 1"X24" iron pipe weighing 1.13 lbs/lin ft set
- 1" iron pipe found
- ⊙ 3/4" iron pipe found
- L.C.A. Limited Common Area - to unit listed

Curve Data

CURVE	RADIUS	ARC	CHORD	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
1-5	95.00'	127.11'	117.84'	N9°41'53.5"E	76°39'37"	
1-2	95.00'	36.78'	36.55'	S17°32'24"E	22°11'02"	
2-3	95.00'	10.07'	10.06'	S03°24'48"E	6°04'14"	
3-4	95.00'	64.04'	62.84'	S18°56'06"W	38°37'30"	
4-5	95.00'	16.22'	16.20'	N43°08'16.5"E	9°46'51"	
6-7	40.00'	24.39'	24.01'	N30°33'48.5"E	34°55'47"	
8-9	200.00'	14.22'	14.21'	N15°08'05"E	4°04'20"	N17°10'15"E
10-12	60.00'	36.58'	36.01'	S30°33'48.5"W	34°55'47"	
10-11	60.00'	10.01'	10.00'	S17°52'43.5"W	9°33'37"	
11-12	60.00'	26.57'	26.35'	S35°20'37"W	25°22'10"	
13-14	75.00'	100.35'	93.03'	S9°41'53.5"W	76°39'37"	
15-20	230.00'	329.60'	302.11'	S38°09'21"W	82°06'30"	
15-16	230.00'	63.53'	63.33'	N71°17'48"E	15°49'36"	S79°12'36"W
16-17	230.00'	87.03'	86.51'	N52°32'37"E	21°40'46"	
17-18	230.00'	68.60'	68.35'	N33°09'34"E	17°05'20"	
18-19	230.00'	45.95'	45.87'	N18°53'30"E	11°26'48"	
19-20	230.00'	64.49'	64.28'	N05°08'06"E	16°04'00"	N02°53'54"W
18-20	230.00'	110.44'	109.39'	N10°51'30"E	27°30'48"	

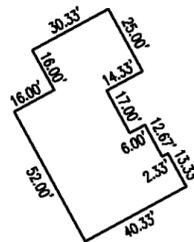
TAX PARCEL NO.	DRAWN BY: BAR	CHECKED BY: LDB
<p>SCALE: 1" = 100'</p> <p>DATE January 17, 2007</p> <p>Autocad Drawing No. V-5391Condo 011707.dwg</p>		
PROJECT NO. V-5391		
SHEET NO. 1 of 2		
DRAWING NO. X-591		

SAND BEACH COMMONS A CONDOMINIUM, FIFTH ADDENDUM

Part of Government Lot 2, Section 13, T25N-R22E, in the Town
of Green Bay, Brown County, Wisconsin.

Unit / Building Dimensions

Unit 1

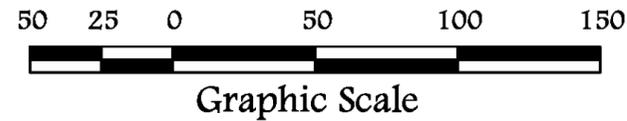


Unit 4



Unit 6

Unit 2



Unit 7

No Building Constructed within Unit 7
as of January 17, 2007

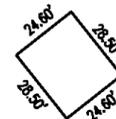
Unit 8

No Building Constructed within Unit 8
as of January 17, 2007

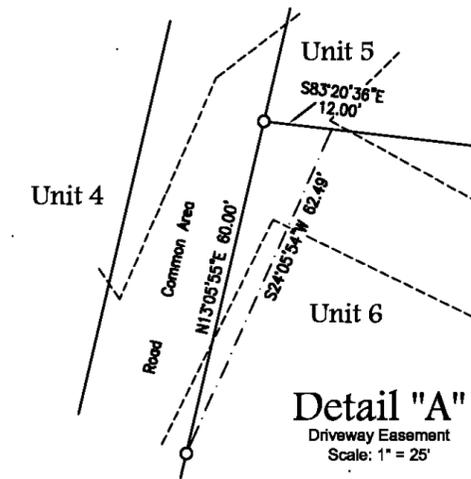
Unit 3



Unit 5



Unit 5 Garage



Owners:

TAX PARCEL NO.	DRAWN BY: BAR	CHECKED BY: LDB
SCALE: 1" = 50'	DATE January 17, 2007	Autocad Drawing No. V-5391 Condo 011707.dwg
PROJECT NO. V-5391		
SHEET NO. 2 of 2		
DRAWING NO. X-591		

The Condominiums at Spring Creek

An Expandable Condominium

Lot 1, Volume 26, Certified Survey Maps, page 159, Map Number 3131, Document Number 437126, Calumet County Records, being all of Lots 13-36 of the recorded plat of "Spring Creek Subdivision" (Volume 8, Plats, page 9, Document Number 133134, Calumet County Records), and the Vacated Pagel Avenue (City of Brillion Resolution Number 08-19), all being located in part of the Southeast 1/4 of the Southeast 1/4, the Northeast 1/4 of the Southeast 1/4, the Northwest 1/4 of the Southeast 1/4, and the Southwest 1/4 of the Southeast 1/4 of Section 26, T20N-R20E, in the City of Brillion, Calumet County, Wisconsin.

100 50 0 100 200 300

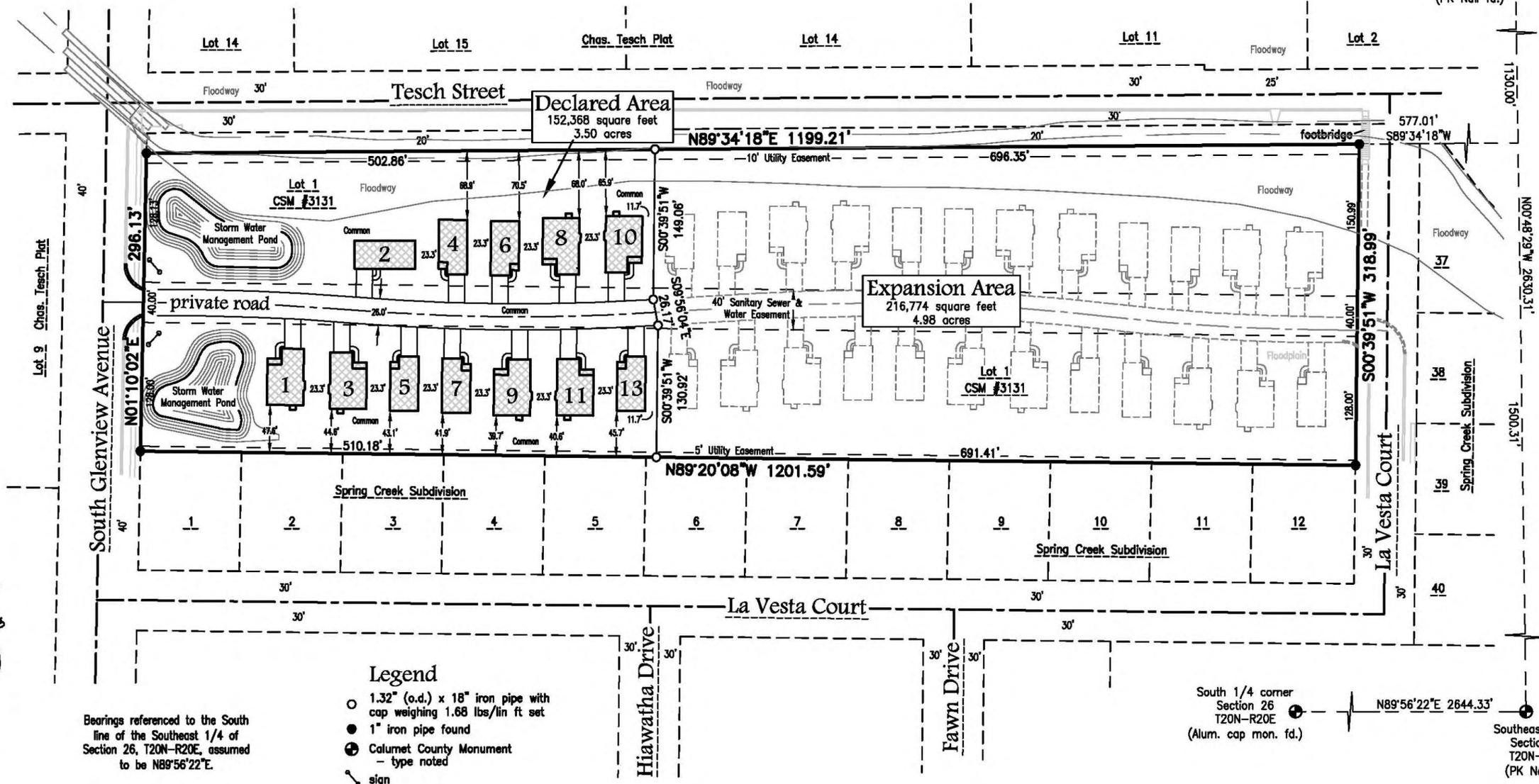


Graphic Scale

Notes

- 1) Building plans provided by client and do not represent as built conditions.
- 2) Decks, patios, drives & walks are limited common elements to the appurtenant unit.
- 3) All areas within the condominium and outside the units and expansion lands, except those areas designated as limited common elements, are common elements.
- 4) The developer/owner reserves the right to vary the number and orientation of buildings and units in the expansion lands.

East 1/4 corner
Section 26
T20N-R20E
(PK Nail fd.)



Bearings referenced to the South
line of the Southeast 1/4 of
Section 26, T20N-R20E, assumed
to be N89°56'22"E.

Legend

- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊙ Calumet County Monument - type noted
- ⊙ sign

SCALE: 1" = 100'

DRAWN BY:
BAR

TAX PARCEL NO.

File: S-16898Condo 041609.dwg

PROJECT NO.
S-16898

SHEET NO.
1 of 2

DRAWING NO.
X-636

West 29 Storage Units

~ An Expandable Condominium ~

Part of Lots 1, 2, and A, Section 33, T25N-R19E, Town of Pittsfield, Brown County, Wisconsin

100 50 0 100 200 300



Graphic Scale

Office of the Register of Deeds
Brown County, Wisconsin

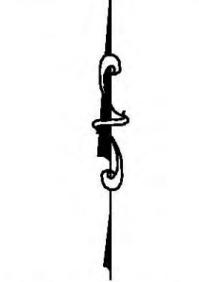
Received for Record _____, 20____,
at _____ o'clock _____ M and recorded as
Document # _____ in
Volume _____ of _____ on Page _____

Cathy Willquette, Register of Deeds

West 1/4 Corner
Section 33
T25N-R19E
(Brass cap mon. fd.)

500°41'55"W 2591.40'
221.12'
2370.28'

Southwest Corner
Section 33
T25N-R19E
(Brass cap mon. fd.)



Bearings referenced to
the West line of the
Southwest 1/4 of
Section 33,
T25N-R19E, assumed
to be S00°41'55"W.

Legend
○ 1.32" (o.d.) x 18" iron pipe with
cap weighing 1.68 lbs/lin ft set
● 1" iron pipe found
⊙ Brown County Monument
- type noted

Unplatted Lands

Declared Area
138,924 square feet
3.19 acres

BROWN COUNTY PLANNING COMMISSION
There are no objections to this condominium plat with respect to Sec. 703.115 Wis. Stats. and is hereby approved for the Brown County Plan Commission.
Dated this _____ day of _____, 20____.

James E. Wallen
Brown County Property Lister

LEGAL DESCRIPTIONS

Total Boundary

Declarant: **LLC**

Part of Lots 1, 2, and A, Section 33, T25N-R19E, Town of Pittsfield, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 corner of Section 33, T25N-R19E; thence S00°41'55"W, 221.12 feet along the West line of the Southwest 1/4 of said Section 33 to the Northwest corner of Lot 1, said Section 33; thence S60°33'42"E, 351.57 feet along the North line of the Oneida Indian Reservation to the point of beginning; thence continuing S60°33'42"E, 450.96 feet along said North line; thence S00°42'04"W, 1052.03 feet to the Northerly right of way of Old 29 Drive; thence N72°11'23"W, 250.19 feet along said right of way; thence N77°39'02"W, 159.59 feet along said right of way; thence N00°42'04"E, 1163.03 feet to said North line of the Oneida Indian Reservation and the point of beginning.

Parcel contains 436,036 square feet / 10.01 acres, more or less.
Parcels subject to easements and restrictions of record.

Declared Area

Part of Lots 1, 2, and A, Section 33, T25N-R19E, Town of Pittsfield, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 corner of Section 33, T25N-R19E; thence S00°41'55"W, 221.12 feet along the West line of the Southwest 1/4 of said Section 33 to the Northwest corner of Lot 1, said Section 33; thence S60°33'42"E, 351.57 feet along the North line of the Oneida Indian Reservation; thence S00°42'04"W, 854.68 feet to the point of beginning; thence S89°41'56"E, 149.09 feet; thence S73°44'43"E, 41.30 feet; thence S89°41'56"E, 206.55 feet; thence S00°42'04"W, 405.58 feet to the Northerly right of way of Old 29 Drive; thence N72°11'23"W, 250.19 feet along said right of way; thence N77°39'02"W, 159.59 feet along said right of way; thence N00°42'04"E, 308.35 feet to the point of beginning.

Parcel contains 138,924 square feet / 3.19 acres, more or less.
Parcels subject to easements and restrictions of record.

Expansion Area

Part of Lots 1, 2, and A, Section 33, T25N-R19E, Town of Pittsfield, Brown County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 corner of Section 33, T25N-R19E; thence S00°41'55"W, 221.12 feet along the West line of the Southwest 1/4 of said Section 33 to the Northwest corner of Lot 1, said Section 33; thence S60°33'42"E, 351.57 feet along the North line of the Oneida Indian Reservation to the point of beginning; thence continuing S60°33'42"E, 450.96 feet along said North line; thence S00°42'04"W, 646.45 feet; thence N89°41'56"W, 206.55 feet; thence N73°44'43"W, 41.30 feet; thence N89°41'56"W, 149.09 feet; thence N00°42'04"E, 854.68 feet to the point of beginning.

Parcel contains 297,112 square feet / 6.82 acres, more or less.
Parcels subject to easements and restrictions of record.

NOTES

- 1) Building plans provided by client and do not represent as built conditions.
- 2) All areas within the condominium and outside the units and expansion lands, except those areas designated as limited common elements, are common elements.
- 3) The developer/owner reserves the right to vary the number and orientation of buildings and units in the expansion lands.

SURVEYOR'S CERTIFICATE

I, _____, Registered Land Surveyor Number _____, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the buildings and improvements to be constructed upon the property.

This plat is a correct representation of "West 29 Storage Units, An Expandable Condominium" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the floor plans of the condominium buildings and units contained in the plat and the approximate dimensions and floor areas thereof.

December 01, 2009

OWNERS CERTIFICATE

_____, LLC, hereby acknowledges that this condominium document has been prepared under their direction and is an accurate representation in its entirety thereof.

In Witness Whereof, the said _____, LLC has caused these presents to be signed by _____, a member, on this _____ day of _____, 2009.

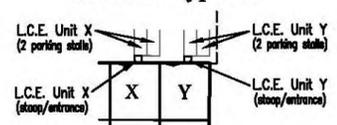
LLC

Personally came before me this _____ day of _____, 2009, the above named Member of said _____, LLC and acknowledged that he/she executed the foregoing instrument as such officer as the deed of said company, by its authority.

Notary Public
Brown County, Wisconsin
STATE OF WISCONSIN }
COUNTY OF BROWN } SS

My Commission Expires _____

Limited Common Element Typical



SCALE: 1" = 100'

TAX PARCEL NO.
PI-602-4

DRAWN BY:
BAR

File: M-10192Condo 012909.dwg

PROJECT NO.
M-10192
SHEET NO.
1 of 1
DRAWING NO.
X-642

Legend

- 1" iron pipe found

Bearings referenced to the Westerly right of way of Redbird Circle, assumed to be S24°15'00"W.



LEGAL DESCRIPTION

Lot 2 of the recorded plat of "Enterprise Acres" (Volume 18, Plats, page 134, Document Number 1174649, Brown County Records), being located in part of Private Claims 33 & 34, East Side of the Fox River, in the Town of Ledgeview, Brown County, Wisconsin.

Parcel contains 23,700 square feet / 0.54 acres, more or less.
Parcel subject to easements and restrictions of record.

NOTES

- 1) Unit areas represent as built conditions.
- 2) Entrance approaches are limited common elements to the appurtenant unit.

~ Redbird Circle ~

~ A Condominium ~

~ First Addendum ~

Lot 2 of the recorded plat of "Enterprise Acres" (Volume 18, Plats, page 134, Document Number 1174649, Brown County Records), being located in part of Private Claims 33 & 34, East Side of the Fox River, in the Town of Ledgeview, Brown County, Wisconsin.

20 10 0 20 40 60



Graphic Scale

Declarant: Development, LLC

DECLARANTS CERTIFICATE

Development, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that said limited liability company caused the land on this Condominium to be surveyed, divided, and mapped as represented hereon. Development, LLC does further certify that this Condominium is required to be submitted to the Brown County Planning Commission for approval or objection in accordance with current Condominium Laws.

In Witness Whereof, the said Development, LLC has caused these presents to be signed by _____, its President, on this ____ day of _____, 20__.

Development, LLC
President

Personally came before me this ____ day of _____, 20__, the above named _____, President of said Limited Liability Company and acknowledged that he executed the foregoing instrument as the deed of said Limited Liability Company, by its authority.

Notary Public
Brown County, Wisconsin

My Commission Expires _____

STATE OF WISCONSIN }
] SS
COUNTY OF BROWN

BROWN COUNTY PLANNING COMMISSION

There are no objections to this condominium plat with respect to Sec. 703.115 Wis. Stats. and is hereby approved for the Brown County Plan Commission.

Dated this ____ day of _____, 20__.

James E. Wallen
Brown County Property Lister

Office of the Register of Deeds
Brown County, Wisconsin

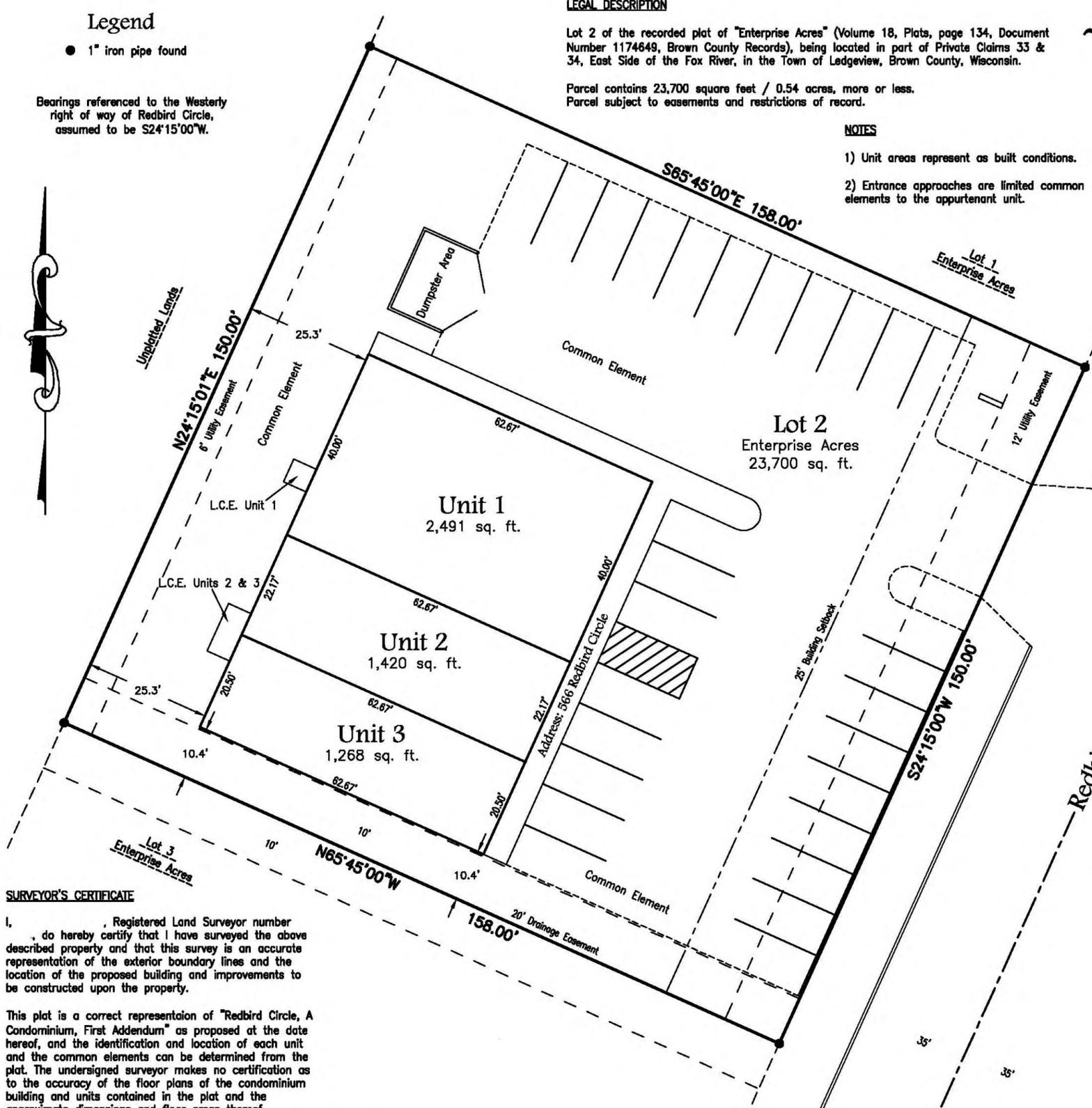
Received for Record _____, 20__.

at _____ o'clock _____ M and recorded as

Document # _____ in

Volume _____ of _____ on Page _____.

Cathy Willquette, Register of Deeds



SURVEYOR'S CERTIFICATE

I, _____, Registered Land Surveyor number _____, do hereby certify that I have surveyed the above described property and that this survey is an accurate representation of the exterior boundary lines and the location of the proposed building and improvements to be constructed upon the property.

This plat is a correct representation of "Redbird Circle, A Condominium, First Addendum" as proposed at the date hereof, and the identification and location of each unit and the common elements can be determined from the plat. The undersigned surveyor makes no certification as to the accuracy of the floor plans of the condominium building and units contained in the plat and the approximate dimensions and floor areas thereof.

May 12, 2009

SCALE: 1" = 20'

DRAWN BY:
BAR

TAX PARCEL NO.
D-427-102

File: L-8003Condo 051209.dwg

PROJECT NO.
L-8003

SHEET NO.
1 of 1

DRAWING NO.
X-641

EXAMPLE CONDOMINIUM REMOVAL INSTRUMENT

Document No.

Return to:

Atty. Charles H. Williams
Schloemer Law Firm, S.C.
143 S. Main Street, Third Floor
West Bend, WI 53095

TERMINATION

HEL SAN BUSINESS PARK

TERMINATION, made pursuant to the Condominium Ownership Act of the State of Wisconsin, being Chapter 703 of the Wisconsin Statutes, and §703.28(1) specifically, by Helsan Development Co., LLC, DNP Realty, LLC, Jaymes Investments, LLP, Mayer Holdings, LLC, TVT, LLC, and Dean Gunderson hereinafter referred to as "Owners."

WHEREAS, Helsan Business Park was created by virtue of the recording of a Declaration, pursuant to the Wisconsin Condominium Ownership Act, in the Office of the Washington County Register of Deeds on October 17 1994 in volume 1464 of records on page 446 as document number 678961 in the office of the register of deeds for Washington County Wisconsin; and

WHEREAS, the original legal description prior to the recording of the Declaration was as follows:

A part of the Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 36 T. 10 N., R 19 E., Town of Polk (now Village of Richfield), County of Washington, State of Wisconsin, bounded and described as follows:

Beginning at the Northwest corner of the Southeast 1/4 of said Section 36; thence South 01° 23' 21" East along the West line of the Southeast 1/4 of said Section 36, 500.52 feet; thence North 88° 39' 39" East along the North line of Lot 3, Certified Survey Map Number 3539, recorded in Volume 25, Page 109 Certified Survey Maps, Washington County Register of Deeds office 530.35 feet; thence North 01° 23' 21" West along the West line of Outlot 1 (being the West right of way line of a Private Road), said Certified Survey Map Number 3539, 128.27 feet; thence on a curve to the left, having a radius of 40.00 feet, 38.98 feet along curve to a point

which is North 29° 18' 29" West, 37.46 feet from the last described point; thence on a curve to the right having a radius of 90.00 feet 458.16 feet along curve to a point which is North 88° 36' 35" East 101.08 feet from last described point; thence on a curve to the left having a radius 40.00 feet 38.98 feet along curve to a point which is South 26° 31' 47" West, 37.46 feet from the last described point; thence South 01° 23' 32" East along the East line of said Outlot 1, 1,078.06 feet; thence along the Northerly right of way line of State Trunk Highway "145" on a curve to the right having a radius of 1,999.86 feet, 280.73 feet along curve to a point which is North 85° 05' 18" East, 280.05 feet from last described point; thence North 89° 06' 30" East along said right of way line 211.91 feet; thence North 05° 21' 20" East along the Westerly right of way line of U.S. Highway "45" 918.50 feet; thence North 06° 00' 31" West along said right of way line 523.91 feet; thence South 88° 39' 42" West along the North line of the Southeast 1/4 of said section 36; 1,153.90 feet to the point of beginning and containing 24.427 acres (1,064,050 Sq. Ft.) of land more or less and being subject to tall easements of records.

Together with an undivided 23.986 over 36.963 interest in Outlot 1 of Certified Survey map No. 3539, recorded in Volume 25 of Washington County Certified Survey Maps at page 109, in common with the owners of Lots 1,2 and 3 of Certified Survey Map No. 3539; and

WHEREAS, the purpose of the Condominium was to provide for the ownership and maintenance of the shared private road serving the property;

WHEREAS, the property has been annexed to the Village of Richfield and the private road is now a public road so the Condominium is no longer needed;

WHEREAS, the Owners desire to terminate the form of condominium ownership and remove the property from the provisions of Chapter 703 of the Wisconsin Statutes;

NOW, THEREFORE, the undersigned Owners unanimously agree as follows: Pursuant to §703.28(1), Wis. Stats., all of the above-described property shall be removed from the provisions of Chapter 703 of the Wisconsin Statutes. They are all of the owners of said condominium units.

IN WITNESS WHEREOF the Owners have executed this termination on the _____ day of _____, 2009.

Helsan Development Co., LLC, Lots 1, 2, 3
of Helsan Business Park, Lot 2 of CSM #3539,
Parcels A & B of CSM #3539

By _____
Dean Gunderson, Member

DNP Realty, LLC, Lot 4 of Helsan Business
Park

By _____
Paul Siodlarz, Member

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Statutes

- Ch. 236 - Platting Lands and Recording and Vacating Plats
<https://docs.legis.wisconsin.gov/document/statutes/236>
- Ch. 66 - General Municipality Law
<https://docs.legis.wisconsin.gov/document/statutes/66>
- Ch. 82 - Town Highways
<https://docs.legis.wisconsin.gov/document/statutes/82>
- Ch. 86 - Miscellaneous Highway Provisions
<https://docs.legis.wisconsin.gov/document/statutes/86>
- Ch. 703 - Condominiums
<https://docs.legis.wisconsin.gov/document/statutes/703>
- Ch. 706 - Conveyances of Real Property; Recording; Titles
<https://docs.legis.wisconsin.gov/document/statutes/706>
- Ch. 30 - Navigable Waters, Harbors and Navigation
<https://docs.legis.wisconsin.gov/document/statutes/30>

Wisconsin Administrative Rules

- Ch. Adm 49 - Plat Review Fees
https://docs.legis.wisconsin.gov/code/admin_code/adm/49
- Ch. Trans 233 - Subdivision Plats Abutting State Highways
https://docs.legis.wisconsin.gov/code/admin_code/trans/233
- Ch. SPS 385 - Soil and Site Evaluations
https://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/380_387/385
- Ch. A-E 1, 2, 6, 7 & 8 - Architects, Engineers & Surveyors
<https://docs.legis.wisconsin.gov/code/toc/a-e>
- Ch. NR 117 - City and Village Shoreland-Wetland Protection
https://docs.legis.wisconsin.gov/code/admin_code/nr/100/117
- Ch. NR 115 - Shoreland Management
http://docs.legis.wi.gov/code/admin_code/nr/100/115

Other statutes and rules are available at: <http://docs.legis.wi.gov/>

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Supreme Court decisions. Plat Review is bound by these decisions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

Wood v. City of Madison

Plat rejection may be based on proposed use.

<http://wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=16504>

Wi. Builders Assoc. et al. v. DOT

DOT has no authority to regulate land divisions other than subdivisions.

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=18595>

Schaetz v. Town of Scott

Provisions of s. 236.41 (street vacation) inapplicable to Assessor's Plats.

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=13792>

Brookhill Development, Ltd. v. City of Waukesha, *103 Wis. 2d 27, 307 N.W. 2d 242 (1981)*

Municipality may not include portion of subdivision beyond its extraterritorial plat approval jurisdiction when calculating fees.

KW Holdings, LLC v. Town of Windsor, *2003 WI App 9, 259 Wis. 2d 357, 656 N.W. 2d 752, 02-0706*

Town may impose public improvements as condition of plat approval during contested annexation.

State ex rel. Lozoff v. Board of Trustees of Hartland, *55 Wis. 2d 64, 197 N.W. 2d 798 (1972)*

Tabling review of plat is not sufficient action; plat must be approved or rejected within time limits under s. 236.11.

Rogers Development v. Rock Co. Planning and Development Committee, *2003 WI App 113, 265 Wis. 2d 214, 666 N. W. 2d 504, 02-0017*

County is not town or municipality per ch. 236, and may not regulate certain aspects of town roads.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Supreme Court decisions. Plat Review is bound by these decisions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

State ex rel. Columbia Corporation v. Town of Pacific, *92 Wis. 2d 767, 286 N.W.2d 130 (Ct. App. 1979)*

Local units of government may not reject a proposed plat unless the plat conflicts with an existing statutory requirement or an existing written ordinance, master plan, official map, or rule.

Rice v. City of Oshkosh, *148 Wis. 2d 78, 435 N.W.2d 252 (1989)*

Authority to condition plat approval on public improvements is granted solely to the governing body of the municipality in which the subdivision is located.

Pedersen v. Town of Windsor, *191 Wis. 2d 664, 530 N.W.2d 427 (Ct. App. 1995)*

Municipalities have no authority to impose conditions upon a subdivision that extend beyond the municipality's borders.

Municipality may not establish public improvement requirements without an ordinance.

Manthe v. Town of Windsor, *204 Wis. 2d 546, 555 N.W.2d 156 (Ct. App. 1996), 95-1312.*

Municipalities may enacting more restrictive sewer regulations than those cited in s. 236.13 (1) (d).

Lake City Corp. v. City of Mequon, *207 Wis. 2d 155, 558 N.W.2d 100 (1997), 94-3240*

So long as any issues addressed in both a master plan and an official map are not contradictory, for purposes of s. 236.13 (1) (c), the master plan is consistent with the official map. A master plan is not inconsistent with an official map if the plan contains elements the map does not.

In the area of minimum lot size regulation, the power of a plan commission authorized to review plats is not limited or detracted by zoning regulations.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Supreme Court decisions. Plat Review is bound by these decisions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

Weber v. Dodge County Planning and Development Dept. 231 Wis. 2d 222, 604 N.W.2d 297 (Ct. App. 1999), 99-1116

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=15444>

As s. 236.13 (5) does not expressly designate the “appealing authority” to whom appeal (of plat rejection) papers should be directed, the appellant’s service of an appeal on the county planning and development department rather than on the planning and development committee, which had made the disputed decision, was not grounds for dismissal when there had been pervasive use of department personnel and stationery in the process.

Town of Delton v. City of Baraboo, 2007 WI App 120, ___ Wis. 2d ___, ___ N.W.2d ___, 06-1288

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=28604>

A city’s extraterritorial plat condition that allowed lots of less than 20 acres only when attached to the public sanitary sewer system had the effect of requiring a public sanitary sewer system for such lots, violating the ruling of *Rice* that authority to condition plat approval on public improvements is granted solely to the governing body of the municipality in which the subdivision is located.

Schimmels v. Noordover, 2006 WI App 7, 288 Wis. 2d 790, 709 N.W.2d 466, 04-2794. <http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=20710>

One who buys lots with reference to a plat that shows certain ways in common, is entitled to the use of the ways in common. Lot owners in the same subdivision whose lots are purchased with reference to the same plat are estopped to deny the use in common with other lot owners in the subdivision. The recording of the plat and conveyance of lots with reference to the plat constitutes the granting of an easement to the purchasers of lots within the subdivision to ingress and egress over private roadways in common with other lot owners; the original proprietors and their grantees are estopped to deny the legal existence of such rights of ingress and egress.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Supreme Court decisions. Plat Review is bound by these decisions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

Kenosha v. Ghysels, 46 Wis. 2d 418, 175 N.W.2d 223 (1970)

A complaint against subdividers by a city set forth a cause of action with respect to costs incurred by the city in moving a tower and acquiring right-of-way when a street dedicated as part of a subdivision did not show the existence, location, or easement of a power company's transmission line located in the area platted as a street.

Closser v. Town of Harding, 212 Wis. 2d 561, 569 N.W.2d 338 (Ct. App. 1997), 96-3086

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=11619>

A municipality is not an owner when vacating per 236.43. (1) (d).

Isolated improvements to provide for a scenic outlook were not improvements as a street, road, or public way when vacating per 236.43 (1).

Town of Sun Prairie v. Storms, 110 Wis. 2d 58, 327 N.W.2d 642 (1983)

S. 236.45 authorizes towns to regulate minimum lot size.

Black v. City of Waukesha, 125 Wis. 2d 254, 371 N.W.2d 389 (Ct. App. 1985).

Assessment of school and park land dedication fees as a condition for rezoning and issuance of building permit is authorized.

Manthe v. Town of Windsor, 204 Wis. 2d 546, 555 N.W.2d 156 (Ct. App. 1996), 95-1312

<http://wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=9042>

This section does not prevent municipalities from adopting and enforcing more than one ordinance that relates to subdivisions.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Supreme Court decisions. Plat Review is bound by these decisions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

Hoepker v. City of Madison Plan Commission, *209 Wis. 2d 633, 563 N.W.2d 145 (1997), 95-2013*

<http://wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=17039>

A city may not condition extraterritorial plat approval on annexation.

Town of Beloit v. Rock County, *2001 WI App 256, 249 Wis.2d 88, 637 N.W.2d 71, 00-1231. Affirmed on other grounds. Town of Beloit v. County of Rock, 2003 WI 8, 259 Wis. 2d 37, 657 N.W.2d 344, 00-1231.*

<http://wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=16382>

It was not a violation of s. 236.45, s. 61.34, or the public purpose doctrine for a municipality to assume the dual role of subdivider of property it owned and reviewer of the plat under ch. 236.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Attorney General's Opinions. Plat Review is bound by these opinions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

67 Atty. Gen. 121

Chapter 236 does not require a replat when the division of a lot or redivision of more than one lot does not meet the definition of a "subdivision" under s. 236.02 (12).

67 Atty. Gen. 294

Certified survey maps under s. 236.34 cannot substitute for subdivision surveys under s. 236.02 (12). Penalties under s. 236.31 apply to improper use of certified surveys.

63 Atty. Gen. 193

A replat of a recorded subdivision must comply with the formal platting requirements of ch. 236 relating to new subdivision plats, including those relating to the survey, approval, and recording.

59 Atty. Gen. 262

All permanent survey monuments required by 236.15 (1) (a), (b), (c) and (d), Wis. Stats., must be placed in the field prior to submission of a final subdivision plat for state level review; provided, however, that in the event of a waiver under sub. (1) (h), the placement of all permanent monuments other than those required by sub. (1) (a), may be temporarily deferred.

62 Atty. Gen. 315

The circumstances under which the statutory platting standards set forth in s. 236.16 (1), (2) and (3) and 236.20 (4) (d), may be waived or varied, with specific reference to the approval of island subdivision plats, are discussed.

63 Atty. Gen. 122

Each of 2 adjacent platted lots may not be divided for the purpose of sale or building development if the division will result in lots or parcels that do not comply with minimum lot width and area requirements established under s. 236.16 (1).

Section 236.335 is discussed.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Attorney General's Opinions. Plat Review is bound by these opinions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

64 Atty. Gen. 146

S. 236.16 (3) does not apply to a navigable lake created by artificially enlarging a previously nonnavigable watercourse.

64 Atty. Gen. 175

The extent to which local governments may vary the terms of ss. 236.16 (1) and (2) and 236.20 (4) (d) by ordinance is discussed.

66 Atty. Gen. 85

S. 236.16 (4) aims at preventing subdividers from creating narrow, unplatted buffer zones between platted lands and water's edge, thus avoiding public access requirements.

61 Atty. Gen. 25

S. 236.295 does not apply to assessors plats.

64 Atty. Gen. 80

The circumstances under which lots in a recorded subdivision may be legally divided without replatting are discussed.

61 Atty. Gen. 34

S. 236.34 (2) requires that certified survey maps be numbered consecutively without dependent reference to ownership, developer or surveyor.

66 Atty. Gen. 90

Certified survey maps are corrected by recording corrected survey maps.

58 Atty. Gen. 145

A recorded subdivision may be replatted under 236.36, without undertaking the court proceedings set forth in ss. 236.40, 236.41 and 236.42, if the replat complies with the requirements of ch. 236 applicable to original plats and does not alter areas dedicated to the public.

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Wisconsin Attorney General's Opinions. Plat Review is bound by these opinions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

63 Atty. Gen. 210

This section permits the replat of a part of a previously recorded subdivision plat, without circuit court action, if the only areas dedicated to the public in that portion of the original subdivision being replatted were discontinued streets fully and properly vacated under s. 66.1003.

59 Atty. Gen. 262

A subdivision plat prepared in compliance with a local ordinance enacted under authority of s. 236.45 is not required by statutes to be submitted for state level review unless such land division results in a "subdivision" as defined in s. 236.02 (12).

61 Atty. Gen. 289

If subdivision regulations, adopted under s. 236.45, conflict, a plat must comply with the most restrictive requirement.

66 Atty. Gen. 103

Application of municipal and county subdivision control ordinances within the municipality's extraterritorial plat approval jurisdiction is discussed.

Many Attorney General's Opinions are available at:
<http://docs.legis.wi.gov/misc/oag>

Statutes, Rules & Opinions

RELATING TO PLATTING AND LAND SURVEYING

Included in this section are several of the most encountered Attorney General's Opinions related to platting land. Plat Review is bound by these opinions when determining the requirements of the statutes involved, unless overruled by legislative or court action.

- Pages 19-21 Discussion of public access requirements under s. 236.16 (3) Stats.
- Pages 25-28 Discussion relating to redivisions of lots, parcels and tracts with contiguous or common ownership. "Parties of interest" involved in replatting.
- Pages 59-65 Discussion regarding procedure used to amend or correct an Assessor's Plat. Correction instruments may not be used.
- Pages 69-70 When subdivision regulations conflict, plat must comply with the most restrictive regulations.
- Pages 101-102 The validity of a division of a platted lot must be based on the division and not on the subsequent disposition of the resulting parcels.
- Pages 119-120 Discussion of sale or exchange of parcels between adjoining property owners and resulting lots pursuant to s. 236.45 (2) (a) 3, Stats.
- Pages 145-151 Questions relating to lot area calculation involving public and private roads, easements, and navigable water. (Portions invalidated by *FAS, LLC v. Town of Bass Lake*, 2007 WI 73, 294 Wis. 2d 697, 717 N.W. 2d 853.)
<http://wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=29435>
- Pages 207-209 Certified Survey Maps cannot be used as a substitute for subdivision plats.

Many Attorney General's Opinions are available at:
<http://docs.legis.wi.gov/misc/oag>

OPINIONS OF THE ATTORNEY GENERAL

Public Access-Lakes--Public access to a lake or stream under 236.16 (3) must be connected with rest of public highway system by public road. Width of public road depends on statutes.

March 27, 1963.

FRANK P. ZIEDLER,
Director, Department of Resource Development.

You ask several questions concerning access to lake and stream shore plats. You quote sec. 236.16 (3) as follows:

"(3) LAKE AND STREAM SHORE PLATS. All subdivisions abutting a lake or stream shall provide public access at least 60 feet wide providing access to the low water mark so that there will be public access at not more than one-half mile intervals as measured along the lake or stream shore unless topography and ground conditions do not permit."

You ask four questions concerning this section. They will be answered separately in the following paragraphs.

I

The first question reads, "To satisfy the requirement of 236.16 (3), must the public access to a lake or stream be connected by public ways to the rest of the public highway system of the state?"

It is my opinion that the public access at the low water mark must be connected to the rest of the public highway system in order that public access is provided as per the statute. The section provides that all subdivisions abutting a lake or stream shall provide public access at least 60 feet wide providing access to the low water mark. If the public access at the low water mark does not connect to the system of public highways, this would not be public access.

II.

Your second question reads, "Suppose the local governing body does not want to accept responsibility for the streets or roads of a plat and would accept the plat only if the roads were designated 'private roads,' and the roads would provide the only means of connecting to the rest of the public road system, would an area abutting the lake or stream which is connected to these private roads but designated 'public access' still be eligible to be considered to fulfill the requirements of 236.16 (3)?"

It is my opinion that if the local governing body does not want to accept the plat unless the roads in the plat were designated private roads, and the private roads would provide the only means for connecting

public access and the public roads system, the requirements of sec. 236.16 (3) are not being fulfilled. Therefore, the plat would not be eligible to be recorded under Ch. 236.

In passing, it may be helpful to observe that the recourse the property owner would have would depend upon whether the property in question was in a town, city or village. If it were in a town, the property owner could petition with six or more resident fee holders, to lay out a town road to the public access. If the town refused, the property owner could attempt to use sec. 80.39 which provides that the county board may lay out highways and ask that a public highway be laid out to the public access. The county board may also enter into an agreement with the city, village or town to enable the county to construct and maintain the street or highway in the municipalities, should the local unit not want the responsibility. (See sec. 83.035.) The county board, under sec. 83.03, may also construct, improve or repair or aid in constructing or improving or repairing any highway in the county.

There is also a provision in sec. 23.09 (14) whereby the county board of any county may condemn a right of way for any public highway to any navigable stream, lake or other navigable waters. Sec. 23.09 (15) provides a means of making an application to the conservation commission for state aid for public access to waters.

If the property is in the city, there is a procedure in sec. 62.22 for ten resident fee holders to petition to open a street. Likewise, if the property is in a village, sec. 61.36 gives the village board the power to lay out a street. Therefore, the property owner could petition the village board.

III.

Your third question reads, "236.16 (3) states that the public access be 60 feet wide; how far back from the low water mark does this 60-foot width of access have to be extended? As an example, could this 60-foot access area be say 150 feet long, thence connected by a street of less than 60 feet wide to the existing public highway system?"

It is my opinion that the access must be 60 feet wide at the low and high water mark. However, if the minimum street width, as established under sec. 236.16 (2) is provided, and this street is connected to the public access, the requirements of statute have been met. If there is an existing public highway system with a street less than 60 feet wide to which the 60 foot access at high water mark is connected, it is my opinion that sec. 236.16 (3) has been complied with. There are other sections of the statutes that provide for minimum street width in addition to sec. 236.16 (2), therefore, I assume that any public highway connecting the public access to the high water mark would be of a sufficient width to provide adequate public access.

IV.

Your fourth question reads, "The 1955 revisions of chapter 236 changed the width of the public access to lake and stream plats from 50 to 60 feet. If there already exists a 50-foot public access to the water's edge, as previously required, which 50-foot access is within one-half mile (as measured along the shore line) of all points on the new plat, does the new owner have to provide 60 feet within his plat or arrange for the widening of the existing 50-foot access to 60 feet?"

In your fourth question, if you assume that the 50-foot access is not part of any plat, it would then be my opinion that it would be necessary to widen the access to 60 feet, unless topography and ground conditions did not permit, or the new plat should contain a public access. However, if the 50-foot access was within a plat that was recorded, then the access would not have to be widened, nor would it be necessary to provide a 60-foot access in the new plat.

AJF

OPINIONS OF THE ATTORNEY GENERAL

Words and Phrases—Platting—Lands—Ch. 236 discussed relative to subdivisinal control of parcels or tracts of land and who are parties in interest.

November 13, 1963.

WALTER K. JOHNSON,
Deputy Director, Department of Resource Development.

You have asked a number of questions with respect to Ch. 236, Statutes, regulating the platting of lands.

Your first question involves sec. 236.02 (8) which refers to "parcel or tract of land" and you specifically inquire:

1. Where several contiguous, individually described parcels are under one ownership, is each one a "parcel or tract of land" or does the definition apply to the total holdings under one ownership?

It is my opinion that the total holdings in such case constitutes a single parcel or tract of land for the purposes of subdivisinal control and platting requirements under Ch. 236, however, it should be pointed out that there can be parcels within a parcel, as is the case here, or, that a large parcel having a single description can be divided into smaller parcels. In such case the entire unit of land is properly a parcel of land as long as it remains under the same ownership and its parts remain contiguous. The smaller units which make up the whole are also parcels of land.

In Ladd v. Teichman, (1960) 359 Mich. 587, 103 N.W. 2d 338, 343, it was stated that a "parcel" is a generic term capable of many definitions.

Webster's Third New International Dictionary defines "parcel" as a component part of a whole or a continuous tract or plot of land in one possession no part of which is separated from the rest by intervening land in other possession, or a tract or plot of land whose boundaries are readily ascertainable by natural or artificial boundaries or markers.

Black's Law Dictionary, Fourth Edition defines "parcel" as a part or portion of land.

Webster's Third New International Dictionary defines "tract" as an area either large or small, a precisely defined or definable area of land.

"The terms 'tract or lot,' and 'piece or parcel of real property,' or 'piece or parcel of land,' mean any contiguous quantity of land in possession of, owned by, or recorded as the property of the same claimant, person, or company,' * * *"Griffin v. Denison Land Co., (1909) 18 N.D. 246, 119 N.W. 1041, 1043.

Other cases cited in 31 Words & Phrases, 76-80 and 42 Words & Phrases, 210-212 stress the necessity of contiguity and same ownership as to parcels, but not necessarily as to tracts of land when the latter term is not used in close conjunction with the word parcel.

"A 'tract' is defined as 'a lot, piece or parcel of land, of greater or less size, the term not importing, in itself, any precise dimensions,'" Fleming v. Charnock, (1909) 66 W. Va. 50, 66 S.E. 8, 9.

The same definition is given in Black's Law Dictionary, Fourth Edition.

Neither the word "parcel" nor the words "tract of land" are defined in sec. 236.02 (8), or other sections of Ch. 236, nor do they have any fixed meaning. They must be construed in a manner to carry out the legislative intent as expressed in the specific section and sec. 236.01, the purpose section of the chapter.

It would circumvent the purpose of the law if an owner of a block of ten lots could subdivide each of the lots into 4 parcels or building sites of 1 1/2 acres each or less in area without meeting the platting and approval requirements of Ch. 236. The purpose of the law would also be circumvented if the owner of a 10 acre unit of land, having acquired the same over the years, each acre having a separate description, all contiguous, could subdivide each acre unit into 4 parcels or building sites of less than one acre without meeting the platting and approval requirements of Ch. 236.

Sec. 236.02 (8) provides:

"(8) 'Subdivision' is a division of lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

"(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or

"(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years."

The subsection is concerned with the division of lands of a special nature. It applies where the division is by the owner or his agent and where the land to be divided is a lot, parcel or tract of land. The words lot, parcel or tract of land are closely associated in the statute. Usually a lot would be the smaller of the three, and parcel or tract of lands are the more general all inclusive terms used to insure that contiguous lands under common ownership will be covered by the platting requirements.

Sub. (a) and (b) are concerned with the divisions of the larger part into smaller parcels or building sites. For the purposes of determining whether a subdivision is created, only those resulting parcels or building sites which comprise 1 1/2 acres each or less in area are counted.

In Scheer v. Weis, (1961) 13 Wis. 2d 408, 108 N.W. 2d 523, it was held that a lot, consisting of three plated lots, could be legally divided

into two parcels or building sites without replatting pursuant to sec. 236.03 (1). The court said that only two parcels or building sites resulted from the division of the larger parcel which were to be counted under sec. 236.02 (8).

You furnish me with the following fact situations:

"Assume that an owner causes his lands to be surveyed and broken into several parcels, each of which has an area of more than one and one-half acres, occurring within a five-year period."

2. Under the above facts is a subdivision created if the owner redivides each of the larger parcels into no more than four parcels or building sites of 1 1/2 acres each or less?

The answer to this question is in the affirmative.

3. Under the above facts, and assuming that the owner conveys the larger parcels to a corporation in which he has majority ownership, does a subdivision result if the corporation immediately redivides each of the larger parcels into no more than four parcels or building sites of 1 1/2 acres each or less?

The answer is in the affirmative. There would be common ownership of contiguous lands in the corporation and the corporation would have the duty of platting.

If the owner transferred one of the larger parcels to the corporation and retained the rest, both the owner and the corporation could divide the holdings they had without creating a subdivision so long as they did not create more than 4 parcels or building sites of 1 1/2 acres each or less. The individual owner could create 4 parcels and the corporation could create 4 parcels if the latter were acting in its own behalf and not as agent of the former owner. While sec. 236.02 (8) covers acts of an owner or agent of an owner, a corporation is a recognized legal entity and there is no restriction as to corporations in the statute nor does there appear to be any real reason for piercing the corporate veil, at least under the circumstances outlined above.

4. Under the facts first outlined above, and assuming the owner conveyed the larger parcels to a bona fide purchaser, would a subdivision result if such purchaser redivided each parcel into not more than four parcels or building sites of 1 1/2 acres each or less?

The answer to this question is in the affirmative for the reasons stated above. If the parcels were sold to separate bona fide purchasers, not acting as agent for the original owner, each purchaser could, however, divide his parcel into four parcels or building sites of 1 1/2 acres each or less without creating a subdivision.

5. Who are "parties in interest" and sec. 236.36, Stats.?

Sec. 236.36 provides:

"Replats. A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been

taken to vacate the original plat or the specific part thereof; provided that such replat may be made and recorded without taking court action to vacate the original plat or the specific part thereof when all the parties in interest in writing agree thereto."

"Replat" is not defined.

This section was created by ch. 214, Laws 1961. See 49 OAG 113.

Sec. 236.36 does not define "parties in interest" but a reading of the statute dictates that if court action is not taken to vacate the original plat or a specific part thereof, parties in interest would include at least all of those parties to whom notice must be given if vacation by court action were sought.

Under secs. 236.40 to 236.43, the court is given limited powers in connection with the vacation or alteration of a plat. The court is charged with the duty of protecting the interests of the public and consent of all authorities empowered to approve plats under Ch. 236 need not be secured before recordation. It is the duty of the court to ascertain that proper notice has been given to all interested parties before proceeding. If replat is made by consent under sec. 236.36, the extent of the replat would be limited to relief a court could give under secs. 236.40 to 236.43, unless the replat in all respects met the requirements of Ch. 236 for a new plat and had approval of the authorities listed in secs. 236.10 and 236.12.

Parties in interest would be, the municipality or town in which the subdivision is located, the county if located in a county having a population of 500,000 or more, sec. 236.40 (3); the owners of record of all lots in the subdivision or part of subdivision proposed to be vacated or altered, sec. 236.40 (4); and the approving authorities listed in secs. 236.10 and 236.12.

Replat by consent would seem to have limited utility because of the difficulties in ascertaining all of the parties in interest and obtaining their consent.

RJV

OPINIONS OF THE ATTORNEY GENERAL

Assessors' Plats—Corrections--Section 236.295 does not apply to assessors' plats. The amendment or correction of an assessor's plat under sec. 70.27 (4), Stats., is an exercise of the police power which is accomplished for the same purposes and in the same manner as the original assessor's plat.

The governing body involved is not required to conduct a "public hearing" concerning a proposed amendment or correction of an assessor's plat answered.

January 20, 1972.

Charles M. Hill,
Secretary, Department of Local Affairs & Development.

You have requested my opinion on five questions concerning amendments or corrections to assessors' plats. You first inquire as follows:

"In the event it is determined that amendments(s) or correction(s) be made to an assessor's plat of record, may they be prepared and recorded similarly as provided by Section 236.295, Wisconsin Statutes? If not, by what specific procedure and in what form should such an amendment or correction be accomplished?"

Section 236.295, Wis. Stats., as amended by ch. 41, Laws of 1971, relates to subdivision plats and provides as follows:

"Correction instruments. (1) Correction instruments may be recorded in the office of the register of deeds in the county in which the plat is recorded and may include:

"(a) Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names or other details shown on a recorded plat; and

"(b) Ratifications of a recorded plat signed and acknowledged in accordance with s. 706.07.

"Certificates of owners and mortgagees of record at time of recording.

"(2) Each affidavit in sub. (1) (a) shall be approved prior to recording by the governing body of the municipality or town in which the subdivision is located. The register of deeds shall note on the plat a reference to the page and volume in which the affidavit or instrument is recorded. The record of such affidavit or instrument, or a certified copy thereof, shall be prima facie evidence of the facts stated therein."

In my opinion, an amendment or a correction to an assessor's plat of record may not be prepared and recorded as provided by sec. 236.295, Wis. Stats.

First of all, even in the case of a subdivision plat, sec. 236.295, Stats., does not authorize any change or amendment other than specific corrections of the nature described therein. The correction instruments referred to therein are intended to be substituted in the place of inaccurate information or to rectify noncompliance with a statutory standard. However, true amendments to an original subdivision plat, by way of any other modification, deletion or addition to said plat, presumably formulated for the general purpose of improving the same, can only be accomplished under the statutory provisions for vacating and altering subdivision plats, set forth in secs. 236.36 through 236.445, Stats., 49 OAG 113, 114 (1960); 55 OAG 14, 18 (1966).

The purpose of ch. 236, Wis. Stats., is to regulate the division of land for the purpose of sale or of building development, while the purpose of assessors' plats, prepared pursuant to sec. 70.27, Stats., is to eliminate uncertainties and reconcile discrepancies in real estate descriptions which have arisen in the past and presently hinder various local governmental functions. Sections 236.02 (8) and 70.27 (1), Wis. Stats. This general distinction accounts for the fact that most of the provisions of ch. 236, Wis. Stats., including sec. 236.295, Stats., do not apply to assessors' plats. The only provisions of ch. 236, Stats., with which assessors' plats must comply, are set forth in sec. 236.03 (2), Stats., which provides:

"This chapter does not apply to cemetery plats made under s. 157.07 and assessors' plats made under s. 70.27, but such assessors' plats shall except in counties having a population of 500,000 or more, comply with ss. 236.15 (1)(a) to (g) and 236.20 (1) and (2) (a) to (e)."

There is, in fact, no need to go outside the provisions of sec. 70.27, Stats., to find the statutory authority for amending and correcting an assessor's plat. Section 70.27 (4), Stats., provides:

"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," (Emphasis added.)

This section clearly requires that the amendments or corrections be accomplished by the recording of a plat rather than by some other method.

The provisions of sec. 70.27 (2), (5), (6), (7) and (8), Wis. Stats., set forth the specific procedure and form which is to be followed to amend an assessor's plat. Subsections (5), (6) and (7) set forth the manner in which the surveyor is to conduct his survey and place monuments as well as the form and procedure to be followed in certifying the plat to the governing body. Subsection (5) also provides for notice to owners of record of lands lying within the plat. Subsection (8) contains most of the specific procedures which are to be followed by the governing body subsequent to the filing of the completed plat by the surveyor.

Your second question refers to the above quoted provisions of sec. 70.27 (4), Wis. Stats., and first asks:

"a. What is meant by the wording 'plat of the area affected?' What size sheet does it imply? How is it to be prepared, etc?"

The words "plat of the area affected" refers to a new assessor's plat covering all of the area which is intended to be affected by the amendment or correction. The plat must be prepared in full compliance with all the provisions of sec. 70.27, Stats., and all the applicable provisions of secs. 236.15 and 236.20, Stats. The latter provisions are set forth in sec. 236.03 (2), Stats., above quoted. 58 OAG 198 (1969). One of these provisions, sec. 236.20 (1)(a), Stats., requires that the plat be prepared on muslin-backed white paper, 22" x 30".

The second part of your second question reads as follows:

"b. What is meant by the wording 'made and authenticated as provided by this section?' Is the prepared amendment or correction plat required to be approved as similarly required for the original related assessor's plat? Are the provisions of Section 70.27 (8) required for such prepared amendment or correction plat?"

The requirement in sec. 70.27 (4), Stats., that amendments and corrections be "made and authenticated as provided in this section" means that the prepared amendment or correction plat is required to be approved in the same manner as the original related assessor's plat, including compliance with the provisions of sec. 70.27 (8), Wis. Stats. The word "authenticated" appears to have been first used in sec. 4, ch. 187, Laws of 1933, the direct predecessor of our modern assessor's plat statute. Part of this enactment added the following language to the then existing statute:

"... Both such plat and list (designating each parcel) shall be certified to by the person making the same, approved by the council or board, acknowledged by the city clerk and mayor or the village clerk and president and recorded in the office of the register of deeds of the county in which said city or village is located.... Amendments may be made to the plat at any time by the council or board by recording with the register of deeds a plat and accompanying list of such amendment, authenticated in the same manner as the original plat and list...." (Emphasis added.)

Under the 1933 law, as now, the original assessor's plat, as well as any amendment or correction thereto, is "authenticated" by the various certificates and verifications which the statute requires be added to the plat to attest to its accuracy and compliance with statute. Presently, these include the "sworn certificate of the surveyor" required by subsec. (7), the certificate of the head of the planning function of the Department of Local Affairs and Development that the plat complies with the applicable provisions of secs. 236.15 and 236.20 and the certificate of the clerk of the governing body causing the plat to be made indicating that all provisions of sec. 70.27, Stats., have been complied with, both as required by subsec. (8), and finally the requirement of subsec. (2) that the clerk acknowledge the instrument as that which was authorized and approved by the governing body. See 38 OAG 295 (1949) for discussion of the form of acknowledgment.

Your third question asks:

"What limitations are involved concerning the amendment or correction of an assessor's plat of record? For example, may boundaries of lots within the originally recorded assessor's plat be changed by such amendment or correction?"

The first part of this question is too general to allow a meaningful response. In response to the second part of the question, however, it is my opinion that the boundaries of lots as shown within the original recorded assessor's plat may be changed by virtue of an amendment or correction adopted in compliance with sec. 70.27, Stats.

Your next question asks:

"Is it necessary for the governing body to conduct a 'public hearing' concerning proposed amendments(s) or correction(s) to an assessor's plat of record?"

In my opinion, the governing body is not required to conduct a "public hearing" concerning a proposed amendment or correction to an assessor's plat of record.

Action by the governing body ordering an assessor's plat is based on a determination that certain inaccuracies and errors exist in the real estate descriptions of a particular area which hinder various local governmental functions, such as the assessment and taxation of property or the location of streets. In making this initial judgment as well as in otherwise proceeding under the statute, the governing body, as those acting as officers and agents thereof, is engaged in the bona fide exercise of its police power in the advancement of the general welfare. Nevertheless, since matters relating to the property rights of individual citizens are treated by sec. 70.27, Stats., I can appreciate that question might arise whether the absence of such a public hearing would render the statute vulnerable as denying the due process of law guaranteed by the Fourteenth Amendment to the United States Constitution. In my opinion, however, the statute is not defective in this regard.

The relationship between the valid exercise of the police power and due process is generally stated in 16 Am. Jur. 2d, Constitutional Law, 296, at pp. 578-580, as follows:

"The balance between police powers and due process is more or less in a state of unstable equilibrium, changing with sociological and economic development. On the one hand, the general rule is firmly settled that the provisions of the Fourteenth Amendment prohibiting any state from depriving any person of life, liberty, or property without due process of law do not operate as a limitation upon the police power of the state to pass and enforce such laws as will inure to the health, morals, and general welfare of the people. The state is not deprived of the power to enact regulations reasonable in character, and a statute or ordinance which is a valid exercise of the police power does not violate the due process clauses of the state and federal constitutions. Indeed, regulation under a proper exercise of the police power is due process, even though a property in whole or in part is taken or destroyed or burdens and expenses of various types are imposed...."

"On the other hand, the United States Supreme Court has pointed out that the Fourteenth Amendment requires that governmental regulation shall be accomplished by methods consistent with due process, and that the due process clause is a limitation upon an improper exercise of the police power by the states in that it prevents an arbitrary or unreasonable exercise of the power through laws or regulations."

Our office has previously recognized that some consideration must be given to procedural due process in reference to assessors' plats. 23 OAG 11, 12 (1934). And, due process does require that when governmental action adversely affects certain rights or privileges, notice and opportunity for hearing appropriate to the nature of the case must be afforded before such action becomes effective. Bell v. Burson (1971), 402 U.S. 535, 91 S. Ct. 1586, 1591, 29 L. ed. 2d 90; Wisconsin v. Constantineau (1971), 400 U.S. 433, 91 S. Ct. 507, 27 L. ed. 2d 515; Goldberg v. Kelly (1970), 397 U.S. 254, 90 S. Ct. 1011, 25 L. ed. 2d 287; Sniadach v. Family Finance Corp. (1969), 395 U.S. 337, 89 S. Ct. 1820, 23 L. ed. 2d 349.

However, it appears clear that the decision to order the plat in the first instance rests solely in the hands of the governing body and that due process does not require that that decision be prefaced by a public hearing. As stated in 48 Am. Jur., Special Or Local Assessments, 176, at pp. 713-714:

"A right to notice, protest, and hearing does not exist with respect to a determination by the legislature, municipal council, or other duly constituted authority of the creation of an improvement district or area, the size of the district or area, and what property is included therein...."

Furthermore, sec. 70.27 (1), Stats., already sets forth a formula which determines the share of the expense of making the assessor's plat which will be assessed against each parcel. That subsection reads, in part, as follows:

"...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, without inclusion of improvements, 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, as provided by s. 66.60."

Where, as here, the legislature establishes a formula for payment, there is little purpose in holding a public hearing on the matter of the apportionment of such costs, since as indicated in 48 Am. Jur., Special Or Local Assessments, 157, at pp. 697-698:

"If a special or local assessment is made in accordance with a fixed rule adopted by a legislative act, there is no right to notice or a hearing, and when the cost of an improvement is, as by law in proper cases it may be, apportioned by mere mathematical calculation, notice and hearing are not necessary...."

and, as indicated in 48 Am. Jur., Special or Local Assessments, 176, at p. 714:

"A right to notice, protest, and hearing does not exist with respect to a determination of the mode of apportionment of a special or local assessment, at least, where such determination is by the legislature. In the enactment of the law, property owners are represented, and while it may be usual and proper for a lawmaking body to hear arguments as to measures of taxation, pro and con, through committees or otherwise, such hearing cannot be demanded as a legal right...."

Nevertheless, since the ultimate intended effect of the adoption of an assessor's plat is to reconcile discrepancies and inconsistencies in property descriptions, such a plat will undoubtedly affect many of the owners of real property lying within the plat. These owners have reason to expect that they will be assured timely and adequate notice of the proposed plat as well as an effective opportunity to present their views and obtain information in reference to the plat. Section 70.27 (5), Stats., establishes such a procedure:

"...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 is 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 is 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 shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previous of record...."

In addition, even after the surveyor and the head of the planning function of the Department of Local Affairs and Development have executed their certificates on the plat, an additional opportunity to challenge the plat in court is given interested parties by sec. 70.27 (8), Stats. This subsection provides, in part, as follows:

"...After the plat has been so certified the clerk shall promptly publish a class 3 notice thereof, under ch. 985. 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..."

The above described procedure quite adequately protects interested property owners and fully satisfies due process requirements.

Your last question asks:

" May the governing body levy and collect a special assessment for the expense of making amendment(s) or correction(s) to an assessor's plat of record, as provided by Section 70.27 (1) and Section 66.60, Wisconsin Statutes?"

The answer to this question is "yes." Section 70.27 (1), Wis. Stats., provides, in part, as follows:

"...The actual and necessary costs and expenses of making assessors' plats ... may be charged to the land, ... and collected as a special assessment on such land, as provided by s. 66.60."

As pointed out in my previous comments, the making of amendments or corrections to an assessor's plat, under sec. 70.27, Stats., is an exercise of the police power which is to be accomplished for the same purposes and in the same manner as the original assessor's plat. This, of course, includes the assessment of the "actual and necessary costs and expenses" of making the amendment or correction.

RWW/JCM

OPINIONS OF THE ATTORNEY GENERAL

Ordinances--Plat Subdivision Regulation--Where subdivision regulations, adopted under sec. 236.45, Stats., conflict, a plat must comply with the most restrictive requirement, sec. 236.13 (4), Stats.

June 23, 1972

Aldwin H. Seefeldt
Corporation Counsel, Washington County

You have requested my opinion as to the scope of jurisdiction of a county subdivision ordinance adopted pursuant to sec. 236.45, Stats. Your question may be stated as follows:

"When both a county and a town within that county have adopted subdivision regulations pursuant to sec. 236.45, Wis. Stats., which regulation controls where the two overlap and conflict"?

Chapter 236, Stats., governing the subdividing and platting of land, was extensively revised by the legislature in 1955. Our Supreme Court has pointed out that, at that time:

"Sec. 236.45 was revised so as to permit those localities which are feeling strong pressure of rapid urban growth and development, to legislate more intensively in the field of subdivision control than the legislature has provided for the state at large."

Jordan v. Village of Menominee Falls (1965), 28 Wis. 2d 608, 613, 137 N.W. 2d 442, appeal dismissed 385 U.S. 4, 87 S. Ct. 36, 17 Led. 2d 3. Section 236.45, Stats., as amended by ch. 286, Laws of 1969, delegates power to local governmental units to enact such regulations. Section 236.45 (2) (a), Stats., provides, in part, that:

"(2) DELEGATION OF POWER. (a) To accomplish the purposes listed in sub. (1), any municipality, town or county which has established a planning agency may adopt ordinances governing the subdivision or other division of land which are more restrictive than the provisions of this chapter . . ."

When both a county and a town within that county have adopted ordinances pursuant to sec. 236.45, Stats., plats of a subdivision within their joint jurisdictions must be approved by both of the governing units. Thus, sec. 236.10, Stats., provides that:

"Approvals necessary. (1) To entitle a final plat of a subdivision to be recorded, it shall have the approval of the following in accordance with the provisions of s. 236.12:

"* * *

"(b) If within the extraterritorial plat approval jurisdiction of a municipality:

OPINIONS OF THE ATTORNEY GENERAL (cont.)

"1. The town board; and

"* * *

"3. The county planning agency if such agency employs on a full-time basis a professional engineer, a planner or other person charged with the duty of administering zoning or other planning legislation.

"(c) If outside the extraterritorial plat approval jurisdiction of a municipality, the town board and the county planning agency, if there is one."

To facilitate such multiple approval, sec. 236.10 (4), Stats., as amended by ch. 596, Laws of 1959, provides that:

"Any municipality, town, county or regional planning commission may pursuant to s. 66.30 agree with any other municipality, town, county or regional planning commission for the co-operative exercise of the authority to approve or review plats."

However, sec. 126.10 (4), Stats., is not mandatory and does not extend the powers of these governmental units. It is only a recognition by the legislature that, in cases of overlapping interest, the most logical procedure for the governmental units to follow would be to prepare jointly a plan for the development of the area. 1955 Report of the Legislative Council, Volume IV, Subdivision and Platting of Land, page 22. Such cooperation could have the effect of facilitating the accomplishment of the purposes of subdivision regulations as listed in sec. 236.45 (1), Stats.

Nevertheless, conflicts between overlapping ordinances will continue to exist. On the 1955 revision of ch. 236, Stats., the legislature recognized this and enacted sec. 236.13 (4), Stats., in an effort to avoid the inconsistencies and delays such conflicts create. Section 236.13 (4), Stats., provides that:

"Where more than one governing body or other agency has authority to approve or to object to a plat and the requirements of such bodies or agencies are conflicting, the plat shall comply with the most restrictive requirements."

Section 236.13 (4), Stats., puts a subdivider, faced with conflicting regulations, on notice that he must comply with the most stringent regulation, and, furthermore, avoids conflict between enactments of interested governmental units.

In light of the foregoing discussion, it is my opinion that the statutes provide a clear answer to your question. That is, where both a county and a town within that county have adopted subdivision regulations pursuant to sec. 236.45, Stats., both governmental units are required by sec. 236.10 (1) (c), Stats., to approve the final plat of a subdivision located within such town before it can be recorded; and where those subdivision regulations conflict, the plat must comply with the most restrictive regulation, pursuant to sec. 236.13 (4), Stats.

RWW:JCM

OPINIONS OF THE ATTORNEY GENERAL

CAPTION: Discussion of circumstances under which lots in a recorded subdivision may be legally divided without replatting.

August 13, 1975

Mr. Homer C. Mittelstadt
Corporation Counsel
Eau Claire County Courthouse
Eau Claire, Wisconsin 54701

You request my opinion on the applicability of the replat provisions of ch. 236, Stats., in two particular factual settings. The situations you postulate are the following:

Situation #1 — a single lot, situated within a recorded subdivision, is divided into two parcels, both of which satisfy state and local minimum lot size requirements.

Situation #2 — two adjacent lots situated within a recorded subdivision, are each divided into two parts, and the parts of each lot adjacent to the common lot boundary are combined as one parcel, creating in effect three parcels, each of which satisfies state and local minimum lot size requirements.

Section 236.02 (13), Stats., provides:

"'Replat' is the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat."

In Situation #1, since the division of that single lot into two parcels does not involve a change in the exterior boundaries of that lot, such division does not constitute a replat.

However, it should be noted, as pointed out in OAG 36-74 (April 26, 1974), that every division of a platted lot is subject to sec. 236.335, Stats., which provides in part:

"No lot or parcel in a recorded plat shall be divided, or thereafter used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter or any applicable ordinance of the approving authority or the rules of the department or health and social services under s. 236.13...."

That opinion indicated that the division of a lot into two parcels not meeting the minimum lot size requirements of sec. 236.16 (1), Stats., or a local ordinance, was prohibited by ch. 236, Stats. Since the parcels resulting from the division in Situation #1 satisfy state and local minimum lot size, such a division would be permissible, providing other relevant state and local restrictions have been satisfied.

The answer to the question raised by Situation #2 can be resolved by the same analysis as applied above. If each adjoining single lot is divided into two parts or parcels, each of which meets the minimum lot size requirements set forth in sec. 236.16 (1), Stats., the effect as to each individual lot is really the same as in Situation #1. As pointed out in reference to Situation #1, as long as the state and local requirements previously referred to are met by each newly-created part or parcel (two in each lot), the division is legal and no replat occurs. In such a case, the subsequent sale of the two adjoining parts, one from each of the original lots, to a third party would not appear relevant to the validity of the division or involve a replat. As was stated in OAG 36-74, supra,

"Generally speaking, if the parcels resulting from a division of a platted lot are in conformity with sec. 236.16 (1), Stats., then, of course, a conveyance and subsequent use of those parcels for building development is permissible. Further, if two such adjoining parcels, located in two adjacent platted lots, are conveyed for use as a single building site, then in my opinion, a building could properly be constructed across the platted lot line, if such construction was otherwise in compliance with local regulations."

The validity of a division of a platted lot must, therefore, be determined on the basis of the division, and not on the basis of the subsequent disposition of the resulting parcels. In each situation, if each parcel created satisfies pertinent state and local restrictions, no replat is involved and the division is not prohibited by ch. 236, Stats.

However, in Situation #2, it is not clear that either of the two parts of the adjoining platted lots used to create the third parcel would individually satisfy state and local minimum lot size requirements. It is possible that such requirements are only satisfied by combining such parts. If such is the case, the act of division actually results in the elimination of the common boundary of the adjacent lots and the substitution therefor of two new boundaries which serve to set off the newly-created third parcel. Such a division would involve a replat.

BCL:JCM:bad

OPINIONS OF THE ATTORNEY GENERAL

CAPTION: Discussion of the extent to which sec. 236.45 (2) (a) 3, Stats., limits the application of local subdivision regulations to divisions of lands.

March 23, 1976

C. F. Hurc, P.E., Secretary
Examining Board of Architects,
Professional Engineers,
Designers and Land Surveyors
201 East Washington Avenue
Madison, Wisconsin 53702

The administrative rules of your board require a registered land surveyor to maintain "strict adherence to practice requirements of related sections of the Wisconsin Statute ..." Wis. Admin. Code, sec. A-E 4.06. Since the provisions of ch. 236, Stats., which relate to the platting of lands, are among the statutes with which surveyors must be familiar, you request my opinion as to the extent to which sec. 236.45 (2) (a) 3, Stats., acts to limit the application of local subdivision regulations to divisions of lands. The applicable provisions of sec. 236.45 (2) (a), Stats., read as follows:

"(2) DELEGATION OF POWER. (a) ... [A]ny municipality, town or county which has established a planning agency may adopt ordinances governing the subdivision or other division of land which are more restrictive than the provisions of this chapter. Such ordinances may include provisions regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land into less than 5 parcels, ... Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to:

"***

"3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances;

"***" (Emphasis added.)

In the specific instance you have in mind, the local subdivision control ordinance defines a "lot" as "an area of land less than 15 acres resulting from the division of a tract of land for the purpose of transfer of ownership." That definition is appropriate for use in determining how sec. 236.45 (2) (a) 3, Stats., affects the operation of the ordinance.

Obviously, in order to determine whether the statute exempts a particular transfer between owners of adjoining property from the application of a local subdivision control ordinance, it is necessary to determine the number and size of the lots resulting from such transfer.

A change in the number of lots is easily identified by using the above ordinance definition of lot and comparing the number of lots existing before and after the sale or exchange. For example, suppose that A and B are adjoining landowners, each owning 10-acre parcels (two lots). If A sells 5 acres to B, A's 5 acres still constitute a "lot" as defined in the ordinance, but B now owns a 15-acre parcel and such parcel no longer falls within the ordinance definition of a lot. The sale has not resulted in "additional lots," and therefore, the subdivision ordinance does not apply. However, further suppose B decides to sell 5 of his 15 acres to his neighbor, who already owns 5 acres. This transaction results in an "additional lot," since after the sale, both B's and C's parcels fall within the ordinance definition of a lot, and is therefore subject to local subdivision regulations enacted under sec. 236.45, Stats.

Finally, even though a sale or exchange of land between owners of adjoining property does not result in the creation of additional lots, a local subdivision control ordinance regulating divisions of less than 5 parcels may still be applicable if any lot resulting from the sale or exchange is below the minimum lot sizes required by ch. 236, Stats., or other applicable laws or ordinances.

BCL:JCM:aag

OPINIONS OF THE ATTORNEY GENERAL

CAPTION: For the purpose of determining lot area under the provisions of sec. 236.02(8), Stats.:

- (1) If a lot abuts a public or private road or street, the total lot size (area) does not include the land extended to the middle of the road or street.
- (2) An easement of access to a parcel is not to be included in determining the total lot area.
- (3) A body of navigable water separates a parcel of land as effectively as does a public highway.

January 10, 1977

Mr. William R. Bechtel, Secretary
Department of Local Affairs and Development
123 West Washington Avenue
Madison, Wisconsin 53702

You have requested my opinion on a series of questions relating to the calculation of land area for purposes of construing and applying sec. 236.02(8), Stats., and Wis. Adm. Code section H 65.03. Section 236.02(8), Stats., defines "subdivision" for purposes of ch. 236, Stats.:

"(8) 'Subdivision' is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

"(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or

"(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years."

The significance of this section is its specification of the conditions under which a division of land will trigger the application of ch. 236, Stats.

Your first question, which appears substantially identical to your questions four (c) and five, is as follows:

If a lot abuts a public road or street, does the total lot size (area) include the land extended to the middle of the road or street?

"a. Is the answer to this question affected by the status of a public street. Specifically, does it make a difference if the public street is a town road, city street, County Trunk Highway, State Trunk Highway or Federal Highway?"

I assume this question is asked in light of the long-standing Wisconsin rule, stated in Walker v. Green Lake County, 269 Wis. 103, 69 N.W.2d 252 (1955), quoting from 25 Am. Jur. Highways, sec. 132, p. 426, as follows:

"In the absence of a statute expressly providing for the acquisition of the fee, or of a deed from the owner expressly conveying the fee, when a highway is established by dedication or prescription, or by the direct action of the public authorities, the public acquires merely an easement of passage, the fee title remaining in the landowner."

The leading case on the subject appears to be Spence v. Frantz, 195 Wis. 69, 217 N.W. 700 (1928):

"It has long been the established law in Wisconsin that the abutting owner has title to the center of the highway or street adjacent to his property, subject to the public easement. It is equally clear that the conveyance of abutting property transfers the legal title to the land to the center of the adjacent street or highway, in the absence of a clear intent to the contrary, even where the conveyance names the highway as the boundary of the parcel conveyed. Gove v. White, 20 Wis. 425, 432." 195 Wis. at 70.

The same rule is applied to the owners of subdivision lots abutting public streets, whether or not the street was included in the recorded plat. Williams v. Larson, 261 Wis. 629, 53 N.W.2d 625 (1952).

In my opinion, however, the area of abutting roads or streets is not to be included in determining the size of lots under sec. 236.02(8), Stats., regardless of whether the public holds a fee or an easement, and regardless of the status of such road or street.

This question has apparently never been judicially treated in Wisconsin in the context of sec. 236.02(8), Stats. A similar question has been raised, however, in the context of determining the area of a homestead exempt from execution by creditors. Weisbrod v. Daenicke, 36 Wis. 73 (1874). The statute involved in Weisbrod exempted as homestead a quantity of land not to exceed one-quarter acre, owned and occupied by any resident of the state. In its construction of this provision, the court held that the exempt area is to be determined without inclusion of the land to the center of the street. The rationale of the holding is set forth in the opinion as follows:

"...while the owner of the abutting lot has an estate in fee to the center of the street, and has the right to the enjoyment of any use of his estate consistent with the servitude to which it is subjected, yet...he has no right to obstruct the street in front of his lot in an improper manner or for an unreasonable time. Hundhausen v. Atkins, imp., ante, p. 29. And it is too obvious for argument that the use of a street by the public, and its use and occupancy by the owner for a homestead, are wholly inconsistent with each other. The word 'occupied' has controlling force in determining the question before us and the proper construction of the statute. The object of the statute doubtless is, to secure to the debtor a home--land which he may live upon, occupy and possess as and for a homestead. He has no right to occupy the street for such a purpose, to build upon it, to cultivate it, or to appropriate it to any domestic use. Now suppose the defendant's lots had been bounded by two wide avenues, like some in this city: is it not apparent, if the land in the streets is computed in the quantity exempt, that the owner would have but a small parcel which he could occupy as a home for this family?" 36 Wis. at 76.

Wegge v. Madler, 129 Wis. 412, 109 N.W. 223 (1906), which cites Weisbrod, Supra, with approval, is cited as authority in Loveladies Property Owners Association, Inc. v. Barnegat City Service Co., Inc. 60 N.J. Super. 491, 159 A.2d 417 (1960), a New Jersey case dealing with substantially the same issue you raise. That case involved an action to enjoin development of certain platted areas in a subdivision for residential purposes, and to enjoin issuance of building permits, on the ground that lots laid out in the plat did not meet minimum area requirements set forth in the township zoning ordinance. Access to the lots in question was to be provided by a series of private easements. If the area of these easements were to be included in calculating the area of abutting lots, those lots would have satisfied minimum lot size requirements. The court there stated:

"If these access strips had been dedicated by the developers as public streets instead of being reserved as private easements ... no colorable claim for their inclusion in the required lot area would be maintainable, and this despite the fact that title in fee to the strip may rest in the abutting property owners. See Clarks Lane Garden Apartments v. Schloss, 197 Md. 457, 79 A. 2d 538 (Ct. App. 1951). In the leading case of Montgomery v. Hines, 134 Ind. 221, 33 N.E. 1100 (Sup. Ct. 1893) ... the court voiced the self-evident proposition that:

"[l]ot" and "street" are two separate and distinct terms, and have separate and distinct meanings. The term "lots," in its common and ordinary meaning, includes that portion of the platted territory measured and set apart for individual and private use and occupancy; while the term "streets" means that portion set apart and designated for the use of the public ***.' 33 N.E., at page 1101. Thus the determination, in terms of relevance to the present inquiry, of which area is a lot and which a street, these areas being mutually exclusive, depends not on the way title is held, or platted areas apparently bounded on a filed map, but rather on the function which each separate area is to serve as observable by inspection of the plat. ..." 159 A.2d at pp. 422-423.

See also Sommers v. Mayor and City Council of Baltimore, 215 Md. 1, 135 A. 2d 625 (1957); and Peake v. Azusa Valley Savings Bank, 37 Cal. App.2d 296, 99 P.2d 382, 384 (1940).

The functional distinction of Loveladies, Supra, is consistent with Weisbrod, Supra, and appears equally applicable to the construction of sec. 236.02(8), Stats. The purposes of ch. 236, Stats., are set forth in sec. 236.01, Stats. In order to construe sec. 236.02(8), Stats., so as most effectively to accomplish those purposes, especially "to prevent the overcrowding of land" and "to provide for adequate light and air," its 1 1/2 acre cutoff should be calculated exclusive of abutting roads and streets.

As indicated above, sec. 236.02(8), Stats., specifies those divisions of land to which ch. 236, Stats., will apply. Once it has been determined that ch. 236, Stats., is applicable, Wis. Adm. Code ch. H 65, adopted by the Department of Health and Social Services in furtherance of its plat review responsibilities, may also be applicable.

H 65 is authorized by the following statutory provisions:

"(1) Approval of the preliminary or final plat shall be conditioned upon compliance with:

"(d) The rules of the department of health and social services relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for such service has not been made. ..." Sec. 236.13(1)(d), Stats.

"(f) The department [of health and social services] may make and enforce rules relating to lot size and lot elevation necessary for proper sanitary conditions in the development and maintenance of subdivisions not served by a public sewer, where provision for such service has not been made." Sec. 140.05(f), Stats.

Apparently Wis. Adm. Code ch. H 65, does contain its own rule governing treatment of highway easements, found in Wis. Adm. Code section H 65.03:

"EASEMENTS. Easements for streets or utilities which are greater than 20 feet wide shall not be considered in determining minimum lot area unless approved in writing by the department."

However, such rule is only applicable for determining minimum lot area for the purposes of Wis. Adm. Code ch. H 65.

Yours second question is:

"If a lot abuts a private road or street, does the total lot size (area) include the land extended to the middle of the road or street?

"a. Is the answer to this question affected by the number of owners of the private road or street, i.e., single or lot owners association ownership?"

In the context of sec. 236.02(8), Stats., it is my opinion that two requirements must be met in order for the area of a private street to be includable in the area of a lot. First, implicit in the terms adopted by sec. 236.02(8), Stats., to identify areas of land, i.e., lot, parcel and tract, is a concept of unity of ownership. 52 OAG 411 (1963); and Griffin v. Denison Land Co., 18 N.D. 246, 119 N.W. 1041 (1909). As noted in my discussion of your first question, the basis of the argument for inclusion of the area of public roads was private ownership by abutting owners of land underlying the road. In the case of private roads where the abutting owner has no fee interest in the area of the road, no colorable claim can be made to inclusion of the road's area in determining the size of the abutting lot.

Second, even where unity of ownership exists, the area sought to be included must satisfy the functional test laid out above. Loveladies, Supra, expressly holds that the distinction between streets and lots applies to private as well as public streets. Thus the private driveway on the conventional lot, lying entirely upon an integrated area of land of single ownership, and subject to whatever domestic uses its owner selects, should be included in determining lot size. But a private drive providing a right-of-way through the lands of others, which is not part of an integrated area of land, and not subject to domestic use by the owner, should not be included.

Your third question is:

"Is an easement that has been granted over the land of others for the purpose of ingress and egress to a parcel to be included in the total lot area for the purpose of sec. 236.02(8) and/or sec. H 65.03, Wis. Admin. Code?"

The answer is no. The unity of ownership and functional distinction criteria apply. Where an easement has been granted for purposes of ingress and egress, the area subject to the easement must be excluded in calculating lot size on the functional basis, just as a public highway is excluded.

Fourth, you ask whether a single lot may consist of two parcels separated by land owned by another party, such as a public highway.

The weight of authority requires that sec. 236.02(8), Stats., be construed as providing a negative response.

"'The word lot means any portion, piece or division of land.' It 'denotes a single piece of land, lying in a solid body and separated from contiguous land by such subdivisions as are usual to designate different tracts of land, and in the subdivision of a tract of land into city lots, each lot in a city constitutes but a single piece or parcel of land.'" 2 McQuillin, Municipal Corporations (1966 Rev. Vol.), sec. 7.19, p. 360.

"... Tracts of land, separated by a public thoroughfare, do not constitute a single lot." 101 C.J.S. Zoning, sec. 144, p. 905.

See also Sanfilippo v. Bd. of Review of Town of Middletown, 96 R.I. 17, 188 A.2d 464 (1963), where a board of review finding that three parcels constituted a single lot was overturned as arbitrary on the basis of physical facts. Among the facts considered was the intervention of a public highway setting one parcel apart from the others.

A lot for purposes of sec. 236.02(8), Stats., cannot consist of separate parcels which are not susceptible to integration into a single unit of land. This includes the situation where the parcels are separated by land in other possession, such as a public highway.

Wis. Adm. Code section H 65.03(4)(b), permits use of combinations of lots to make up the area required by that chapter. However, inasmuch as the purpose of that chapter is to require sufficient land area for sewage disposal, it is clear that a parcel set off by a highway which is not available for sewage disposal purposes should not be included.

Finally, you ask whether a lot may extend across navigable water such as a channel or lagoon.

The answer is again no. A body of navigable water separates a parcel of land as effectively as does a public highway. Land owners abutting on navigable streams hold a qualified title to the center of the stream bed. Muench v. Public Service Comm., 261 Wis. 492, 501, 53 N.W.2d 514 (1952). Title to the lands underlying navigable lakes is held by the state. State v. McFarren, 62 Wis. 2d 492, 498, 215 N.W.2d 459 (1974). Abutting land owners are prohibited from placing structures and obstructions in navigable waters without first securing a permit from the Department of Natural Resources. Sec. 30.12, Stats. Therefore, parcels separated by navigable waters are no more susceptible to functional integration than parcels separated by public highways.

I am acutely aware that the answer given to question three above may encourage potential developers to pattern their developments in such a way as to separate lands to be divided by dedicating public roads and/or creating private roads separating lots which are then further divided into less than 5 parcels of 1 1/2 acres each or less thereby avoiding statutory platting requirements. You may wish to monitor developments to determine whether this is in fact occurring and to suggest that the Legislature change the law if it appears that the public purposes underlying the platting laws are being frustrated.

BCL:JCM:ked

The following excerpt is the conclusion of the Supreme Court Opinion *FAS, LLC v. Town of Bass Lake*, 2007 WI 73, 294 Wis. 2d 697, 717 N.W. 2d 853, relating to parcel boundaries crossing navigable streams.

III. CONCLUSION

¶33 We conclude that a navigable stream meandering over a parcel does not divide the parcel into two parcels when the same riparian owner holds qualified title to the property on both shores of the stream. We also conclude that under the Sawyer County Zoning Ordinances then in effect, the entire parcel, including the streambed, is used to calculate the width of the lakeshore frontage. Therefore, because the board of appeals proceeded on an incorrect theory of law in regard to whether the navigable stream divided the parcel, it inaccurately calculated the width of the parcel at issue under the then effective zoning ordinance. Accordingly, we affirm the court of appeals.

By the Court.—The decision of the court of appeals is affirmed.

OPINIONS OF THE ATTORNEY GENERAL

CAPTION: Certified survey maps under sec. 236.34, Stats., cannot be used as a substitute for subdivision surveys as defined by sec. 236.02 (8), Stats. Penalties under sec. 236.31, Stats., applicable to improper use of certified surveys.

December 14, 1978

Mr. Kenneth J. Bukowski
Corporation Counsel
Brown County Courthouse
Green Bay, Wisconsin 54301

You ask two questions concerning the use of certified survey maps under sec. 236.34, Stats.

You ask if the following situation is permitted:

"The first question concerns the situation where a landowner owns a sizeable parcel of property and creates a plat for part of the parcel which includes more than 4 lots, each of which is 1 1/2 acres, or less, in size. Then the owner comes in with a certified survey map to cover a different part of the same parcel. ..."

Surveyors consistently have pushed the use of certified survey maps to their limits from the time ch. 236, Stats., was adopted by ch. 570, Laws of 1955. Their popularity is understandable. Certified survey maps are an inexpensive and efficient tool for small surveys. Nevertheless, certified surveys are limited to small, isolated surveys and cannot be used as a substitute for subdivision surveys. The interpretive commentary published with ch. 570, Laws of 1955, made a clear statement on the use of certified survey maps as follows:

"The purpose of this section is to permit the recording of an accurate map for a land division which does not involve a sufficient number of parcels to constitute a 'subdivision' within 236.02(7). [Present 236.02(8).] Description of land by reference to such a map has obvious conveyancing advantages. Even more important, an accurate map permits easy locations of the boundaries on the land.

"Originally the certified survey map could be used for no more than 2 parcels. Wis. Stats. 1955 sec. 236.34(1). But in 1957 by chapter 88 use for as many as 4 parcels was permitted. This has somehow resulted in the impression in some quarters that a landowner who desires to sell numerous lots from a tract can have a series of certified survey

maps prepared, each for 4 lots, and thus avoid compliance with the subdivision regulatory provisions of this chapter. This is clearly wrong and such a landowner runs the risk of the serious penalties provided by 236.30 and 236.31. In addition where a certified survey map for 4 parcels has been prepared and filed and then, within the requisite 5 year period, a fifth parcel is divided from the same tract, a subdivision has been created under s. 236.02(7)(b). [Present 236.02(8).]"

Subdivisions are defined by sec. 236.02(8), Stats., as follows:

"(8) 'Subdivision' is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

"(a) The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or

"(b) Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions within a period of 5 years."

The interpretive commentary published with ch. 570., Laws of 1955, again is helpful in understanding the definition of the term "subdivision."

"... The present definition includes divisions for the purpose of building development as well as sale. Thus, for example, where, in order to build rental housing or other rental structures, land is divided into more than 4 parcels which meet the 1 1/2 acres limitation, a 'subdivision' is apparently created and the provisions of chapter 236 apply. ...

"... To illustrate the operation of 236.02 (7) (b) in such a usual situation, assume that Landowner sells from the same tract 1 parcel a year for each of 4 years. Each parcel is 1 1/2 acres or less in area. If Landowner now sells a 5th such parcel and does this within 5 years from the time he divided off the 1st parcel, a 'subdivision' has been created. ..."

Your circumstance involves an owner who already has created a subdivision as defined by sec. 236.02(8), Stats., on his parcel of land. Creation of more lots on such a parcel will be additions to the existing subdivisions and will require subdivision approvals under ch. 236, Stats. The purpose and intent of ch. 236, Stats., is violated where part of a parcel is subdivided as required by ch. 236, Stats., and the remainder of the parcel is divided piecemeal by use of a series of certified survey maps.

You ask further as follows:

"The second question is also somewhat perplexing. Section 236.21 contains penalties for violating the platting statutes but does not seem to provide penalties for violating a certified survey ordinance, unless subsection 2 would also be applicable to violations of certified survey map ordinances."

Section 236.31, Stats., provides in part:

"(1) Any subdivider or his agent who offers or contracts to convey, or conveys, any subdivision as defined in s. 236.02 (8) or lot or parcel which lies in a subdivision as defined in s. 236.02 (8) knowing that the final plat thereof has not been recorded may be fined not more than \$500 or imprisoned not more than 6 months or both...

"(2) Any municipality, town, county or state agency with subdivision review authority may institute injunction or other appropriate action or proceeding to enjoin a violation of any provision of this chapter, ordinance or rule adopted pursuant to this chapter. Any such municipality, town or county may impose a forfeiture for violation of such ordinance, and order an assessor's plat to be made under s. 70.27 at the expense of the subdivider or his agent when a subdivision is created under s. 236.02 (8) (b) by successive divisions."

Section 236.31(1), Stats., is applicable to the situation you described in your first question, and as interpreted herein sec. 236.31(2), Stats., allows injunctive relief for violations of "any provision" of ch. 236, Stats. Section 236.31(2), Stats., also allows municipal forfeiture ordinances and assessor's plats. Thus, at the very least you may seek injunctive relief to prevent the use of a certified survey map in the situation you described.

BCL:JPA:ked

Department of Transportation Review

In general, all subdivision plats that abut a state trunk, connecting, or interstate highway, or if the developer has interest in lands between the subdivision and highway, must be submitted to Plat Review.

The submittals must be accompanied by a WISDOT SUBDIVISION REVIEW REQUEST form available at DOT web site link <http://wisconsindot.gov/Pages/doing-bus/real-estate/access-mgmt/subdivisions.aspx> and any supporting documentation (drainage plans, traffic impact studies, etc.).

Plat Review will forward this material to Department of Transportation for review for compliance with [ch. TRANS 233](#). For specific questions about your subdivision plat and TRANS 233 please contact the WisDOT Regional Office Land Division Reviewers listed at <http://wisconsindot.gov/Pages/doing-bus/real-estate/access-mgmt/subdivisions.aspx>

Certified Survey Maps, Condominium Plats, and other maps are not reviewed for compliance with Ch. TRANS 233; however, the driveway or other connection permitting process may apply.

Subdivisions Not Served by Public Sewer

Special Note Regarding Department of Safety and Professional Services Review:

Section [236.13 \(1\) \(d\)](#), Wis. Stats., refers to reviewing plats for compliance with "The rules of the department of safety and professional services relating to lot size and lot elevations necessary for proper sanitary conditions in a subdivision not served by public sewer, where provision for public sewer service has not been made."

As of July 1, 2000, the Department of Safety and Professional Services no longer has rules related to this provision. Therefore, the Department of Safety and Professional Services is no longer in a position to certify or object to subdivision plats that would be submitted for review.

To determine applicability of the rules regarding private onsite wastewater systems, reviewing authorities and subdividers and their agents are referred to Section SPS 383 and SPS 385 of the Wisconsin Administrative Code, available at:

<https://docs.legis.wisconsin.gov/code/toc/sps>

Other rules of significance to subdividers:

The following codes have other applications to subdivisions with which developers, their agents and approving authorities should be familiar.

- The Well Construction and Pump Installation Code contains well location requirements with respect to sewers, septic tanks and soil absorption areas, and is administered by the Department of Natural Resources.
- The Private Sewage Systems Code likewise establishes certain location and design conditions for septic systems.

Questions on unsewered subdivisions and private septic systems should be directed to the Wastewater Specialists of the [Private Onsite Wastewater Treatment Systems \(POWTS\)](#) program, Division of Safety and Buildings, Wisconsin Department of Safety and Professional Services:

<http://dsps.wi.gov/Documents/Industry%20Services/Maps/Wastewater%20Map.pdf>



STATE OF WISCONSIN

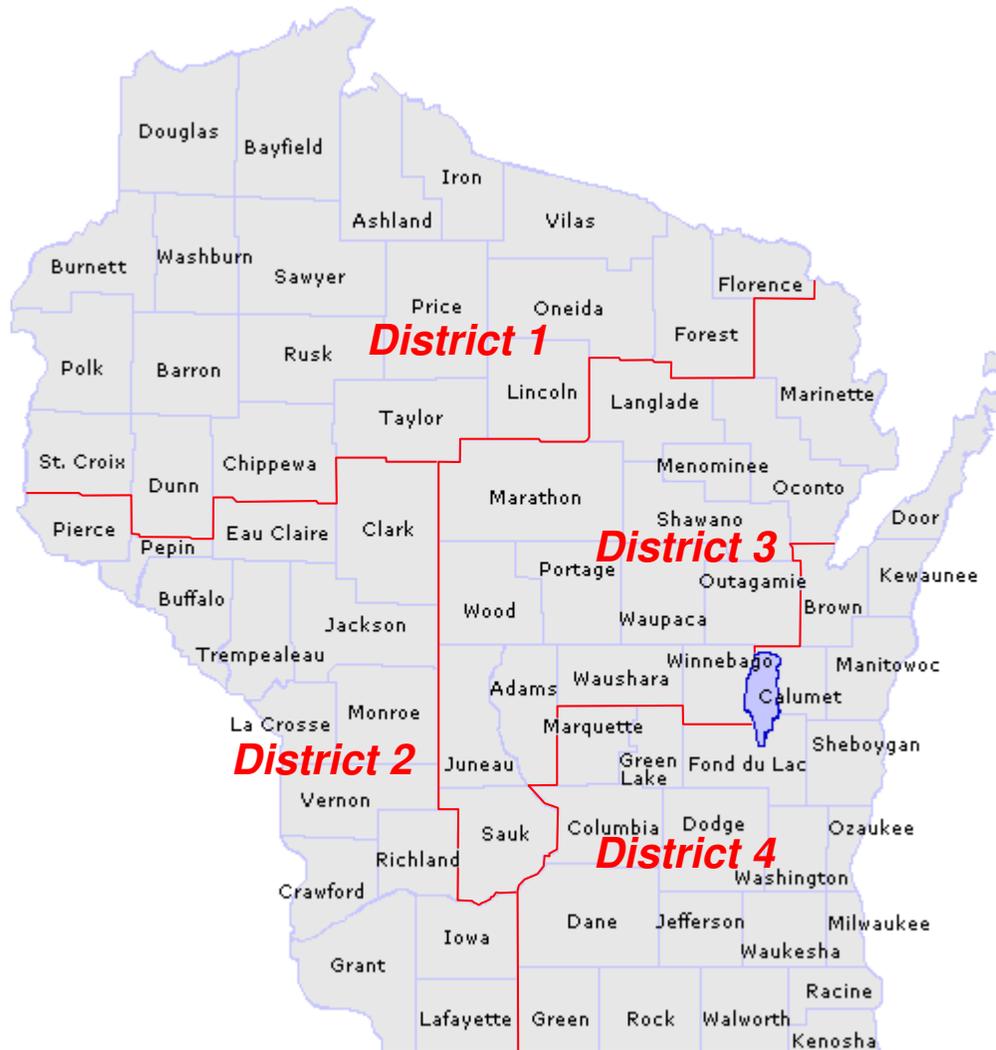
Department of Safety and Professional Services
1400 E Washington Ave. Madison WI 53703
Web: dps.wi.gov

Governor Scott Walker

Secretary Dave Ross

Private Onsite Wastewater Treatment Systems

Web: Wastewater Program



		Phone	Fax
1 - Ed Taylor	Edwin.Taylor@Wisconsin.gov	715-634-3484	715 634-5150
2 - Charles Bratz	Charles.Bratz@Wisconsin.gov	608-789-7893	608 785-9330
3 - Matt Janzens	Matthew.Janzen@Wisconsin.gov	715-340-0407	608 283-7465
4 - Mark Finger	Mark.Finger@Wisconsin.gov	608-574-1189	608 267-9566
Supervisor - Brad Johnson	Bradley.Johnson@Wisconsin.gov	920-492-5605	920-492-5604
Submit general questions to:	DSPSSBPowstech@wi.gov		

Department of Natural Resources

Although the Department of Natural Resources (DNR) has no review authority for subdivision plats, the statutes and rules that DNR administers can have an impact on the subdivision layout, and development within the subdivision.

We suggest that the developer review the following statutes and rules related to development adjacent to navigable waters and wetlands, and contact DNR with questions related to shoreland zoning, stormwater management, floodplain boundaries, public access, ordinary high water mark, or navigability.

DNR website: <http://dnr.wi.gov/>

Statutes and rules related to shoreland development:

Ch. 30: <http://legis.wi.gov/statutes/stat0030.pdf>

NR 115: <http://legis.wi.gov/rsb/code/nr/nr115.pdf>

NR 117: <http://legis.wisconsin.gov/rsb/code/nr/nr117.pdf>

Public access contacts:

<http://dnr.wi.gov/org/caer/cfa/accessabandonment/REGIONALCONTACTS.pdf>

DNR webview (GIS, related maps, aerial photos of waterways, wetlands, etc.):

<http://dnrmaps.wi.gov/>

DNR REGIONAL CONTACTS

NOTE: These staff does not have comprehensive information concerning boat landings. For information on boat landings, we recommend you consult the *Wisconsin Gazetteer*. Copies are available for sale at bookstores and gas stations around Wisconsin.

Jane Malischke Environmental Grants Specialist Northern Regional (Spooner) Wisconsin Dept. of Natural Resources 810 W Maple Street Spoonerville, WI 54801 Phone: 715-635-4062 E-mail: Jane.Malischke@Wisconsin.gov	Counties Ashland, Bayfield, Douglas, Iron, Vilas, Oneida, Lincoln, Price, Taylor, Sawyer, Rusk, Washburn, Barron, Polk, Burnett
Bruce Neeb Government Outreach Team Leader West Central Region Wisconsin Dept. of natural Resources 1300 W Clairemont Avenue Eau Claire WI 54702 Phone: 715-839-3713 E-mail: Bruce.Neeb@Wisconsin.gov	Counties St. Croix, Dunn, Chippewa, Clark, Marathon, Portage, Wood, Eau Claire, Pepin, Pierce, Buffalo, Trempealeau, Jackson, LaCrosse, Monroe, Juneau, Adams, Vernon
Sandy Chancellor Environmental Grants Specialist South Central Region Wisconsin Dept. of natural Resources 3911 Fish hatchery Road Fitchburg WI 53711 Phone: 608-275-3315 E-mail: Sandra.Chancellor@Wisconsin.gov	Counties Crawford, Richland, Sauk, Columbia, Dodge, Grant, Iowa, Dane, Jefferson, Lafayette, Green, Rock
Jim Ritchie Program Specialist Southeast Region Wisconsin Dept. of Natural Resources 2300 N Dr Martin Luther King Jr Dr Milwaukee WI 53212-3128 Phone: 414-263-8670 E-mail: Jim.Ritchie@Wisconsin.gov	Counties Sheboygan, Washington, Ozaukee, Waukesha, Milwaukee, Walworth, Racine, Kenosha
Gary Hanson Community Services Specialist Northeast Region Wisconsin Dept. of Natural Resources 2984 Shawano Avenue Green Bay WI 53123 Phone: 920-662-5487 E-mail: Gary.Hanson@Wisconsin.gov	Counties Florence, Forest, Langlade, Marinette, Oconto, Menominee, Shawano, Waupaca, Outagamie, Brown, Kewaunee, Door, Manitowoc, Calumet, Winnebago, Fond du Lac, Green Lake, Marquette, Waushara

Annexation

METHODS OF ANNEXATION

Chapter 66 of the Wisconsin Statutes provides several methods by which lands may be annexed into a Village or City:

Direct Annexation by Unanimous Approval

s. 66.0217 (2),
Wis. Stats

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for annexation must be signed by all of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- There are no noticing requirements.

Direct Annexation by One-Half Approval

s. 66.0217 (3) (a),
Wis. Stats.

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for annexation must be signed by at least one-half of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- The publication of a class 1 notice under ch. 985, Wis. Stats. is required.

Annexation by Referendum (owner initiated)

s. 66.0217 (3) (b),
Wis. Stats

s. 66.0217 (7),
Wis. Stats.

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for a referendum must be signed by at least one-half of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- The publication of a class 1 notice under ch. 985, Wis. Stats. is required.
- The municipality must follow the procedures outlined in s. 8.37 and s. 8.40 to administer the referendum.

Annexation

METHODS OF ANNEXATION

s. 66.0219 (1),
Wis. Stats

Annexation by Referendum (municipality initiated)

- Initiated by the City or Village
- The property must be contiguous to the annexing municipality.
- The municipality must resolve to petition the circuit court for an annexation referendum.
- The resolution must be published with a class 1 notice under ch. 985, Wis. Stats.
- The court may dismiss the petition or order a credendum.
- The municipality must follow the procedures outlined in s. 8.37 and s. 8.40 to administer the referendum.
- The annexation is subject to review by the Department of Administration in counties over 50,000 population.

s. 66.0223 (1),
Wis. Stats

Annexation of Municipal Property

- Initiated by the City or Village
- The property must be owned by the City or Village.
- The property must be near, but not necessarily contiguous to the annexing municipality.
- The municipality must enact an ordinance to annex the property.
- No noticing is required.
- The annexation is not subject to review by the Department of Administration

Lands may not be annexed if no part of the annexing municipality is located in the same county as the lands being annexed, unless the Town and County Boards of the county in which the lands being annexed lie approve the annexation.

Annexation

PETITION

The petition for annexation presented to the municipality must contain:

s. 66.0217 (5),
Wis. Stats

- The purpose of the petition.
- A legal description of the property to be annexed.
- A scale map of the property to be annexed.
- The population of the property.
- The signatures of the owners as required by the method of annexation being used.

LEGAL DESCRIPTION

A legal description of the property to be annexed must be included in all annexation petitions and ordinances. The legal description must meet the following requirements:

s. 66.0217 (1)(c),
Wis. Stats

- The property must be described by metes and bounds, commencing from a monumented corner of the quarter section (or government lot or private claim) in which the property lies.
OR
- If the property is completely and only within a lot or block of a recorded certified survey map or subdivision, then the property may be described by reference to the lot or block, and the CSM number, volume, and page or subdivision name.
- The description must reference the quarter section (or government lot or private claim), section, town and range in which the property lies.
- The description can not rely on reference to external documents (i.e. parcel ID, tan number, deed, aliquot part, adjoiners, etc.) unless said reference is in addition to the metes and bounds description.

Annexation

MAP

A scale map of the property to be annexed must be included in all annexation petitions and ordinances. The scale map must show:

- The boundaries of the property to be annexed.
- The existing municipal boundaries in relation to the property being annexed.
- A graphic scale.
- The point of commencement of the metes and bounds description, the tie from the point of commencement to the property being annexed, and a description of the monument at the point of commencement.
- All boundary bearings and distances as shown in the metes and bounds description or on the certified survey map or subdivision plat.
- All adjoining or other external references as shown in the legal description.

REVIEW

All annexations (except the annexation of municipal owned lands) that occur in counties having a population of 50,000 or more must be submitted to the Department of Administration for review. The submittal must include a legal description and map as outlined above, along with a request for review form and the required fees (the form and fee schedule is included in this section, or available at:

Within 20 days of receipt of the annexation, the Department must determine if the annexation is or is not in the public interest based upon, among other things:

- Contiguity of the property to the annexing municipality.
- The shape and homogeneity of the property.
- The ability of the municipality to provide services to the property.

The Department then issues a determination letter to the annexing municipality, the town from which the property is being annexed, and the petitioner. The municipality must consider the Departments findings when deciding to approve or deny the petition for annexation.

s. 66.0217 (1)(g),
Wis. Stats

s. 66.0217 (6),
Wis. Stats

Annexation

ORDINANCE

s. 66.0217 (8),
Wis. Stats

Annexation takes place upon enactment by two-thirds vote of the governing body of an ordinance that annexes the property as described in the petition or referendum. The ordinance must contain a map and legal description of the property as outlined above.

No annexation ordinance may be enacted until the municipality receives and reviews the determination of public interest letter issued by the Department of Administration.

FILING

s. 66.0217 (9),
Wis. Stats

Immediately upon enactment of an annexation ordinance, the clerk of the annexing municipality must record a copy of the ordinance with the register of deeds, and must send a certified copy of the ordinance to the Department of Administration, any company that provides utility service to the annexed property, and any school district affected by the annexation.

On an annual basis, the municipal clerk must provide to the Department of Administration and record with the register of deeds, a legal description of the total boundaries of the municipality as existing on December 1 of that year, unless no changes to the boundary occurred in the prior 12 months.

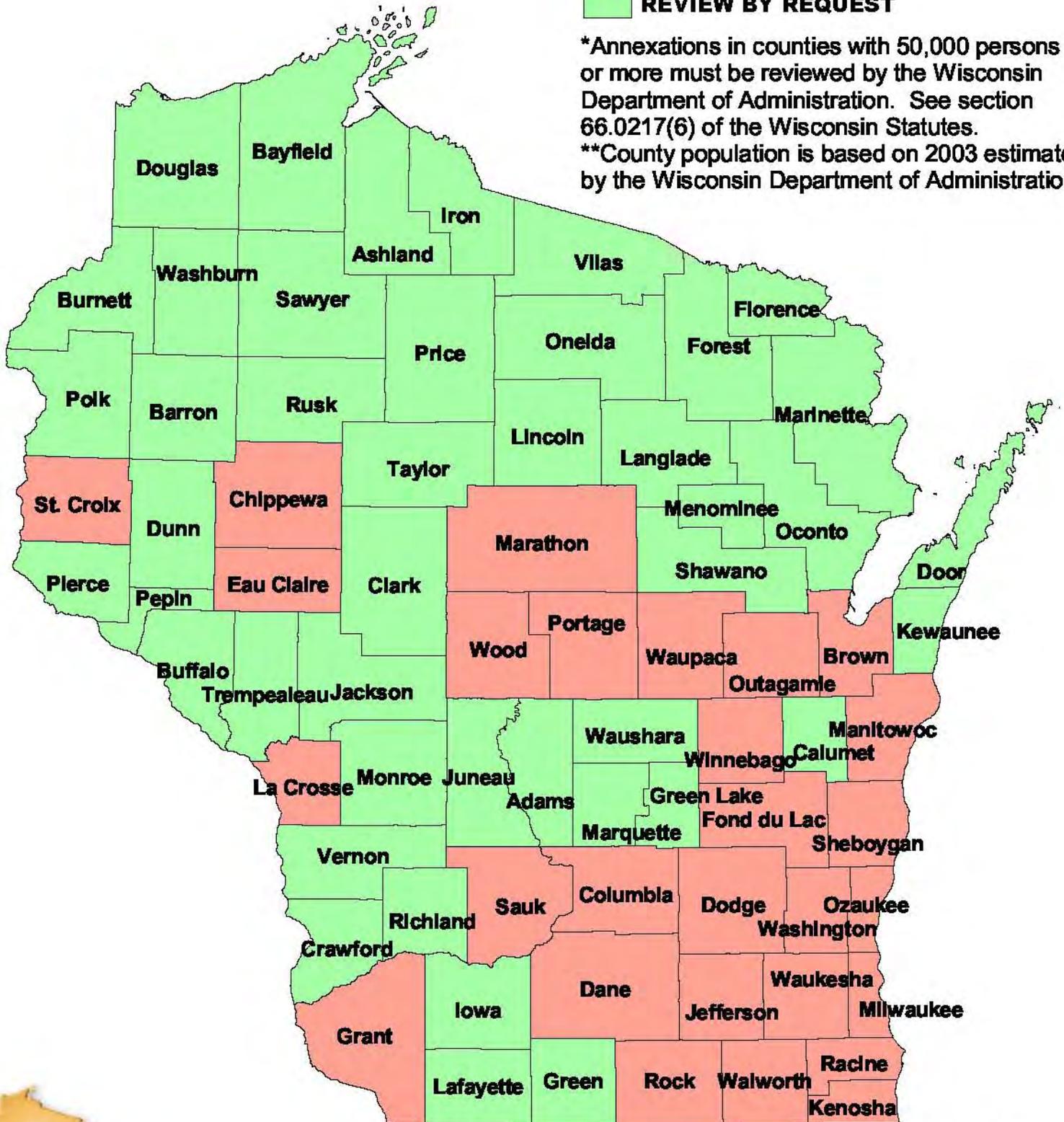
Annexation Review in Wisconsin

Department of Administration Review

- REVIEW REQUIRED
- REVIEW BY REQUEST

*Annexations in counties with 50,000 persons or more must be reviewed by the Wisconsin Department of Administration. See section 66.0217(6) of the Wisconsin Statutes.

**County population is based on 2003 estimates by the Wisconsin Department of Administration.



Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: _____

Address: _____

Email: _____

Office use only:

1. Town where property is located: _____

2. Petitioned City or Village: _____

3. County where property is located: _____

4. Population of the territory to be annexed: _____

5. Area (in acres) of the territory to be annexed: _____

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): _____

Petitioners phone: _____

Town clerk's phone: _____

City/Village clerk's phone: _____

Contact Information if different than petitioner:

Representative's Name and Address: _____

Phone: _____

E-mail: _____

Surveyor or Engineering Firm's Name & Address: _____

Phone: _____

E-mail: _____

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - Direct by one-half approval per [s. 66.0217 \(3\)](#)
5. Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$ _____ **Initial Filing Fee** (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$ _____ **Review Fee** (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$ _____ **TOTAL FEE DUE (Add the Filing Fee to the Review Fee)**

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- State the purpose of the petition: -Direct annexation by unanimous approval; OR
-Direct annexation by one-half approval; OR
-Annexation by referendum.
- Petition must be signed by: -All owners and electors, if by unanimous approval.
-See [66.0217 \(3\) \(a\)](#), if by one-half approval.
-See [66.0217 \(3\) \(b\)](#), if by referendum.
- State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- The land may NOT be described by: -Aliquot part;
-Reference to any other document (plat of survey, deed, etc.);
-Exception or Inclusion;
-Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
-A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
-Bearings and distances along all parcel boundaries as described.
-All adjoining as referenced in the description.
- The map must include a **graphic scale**.
- The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by [s. 66.0217 \(4\)](#).
- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

ANNEXATION MAP



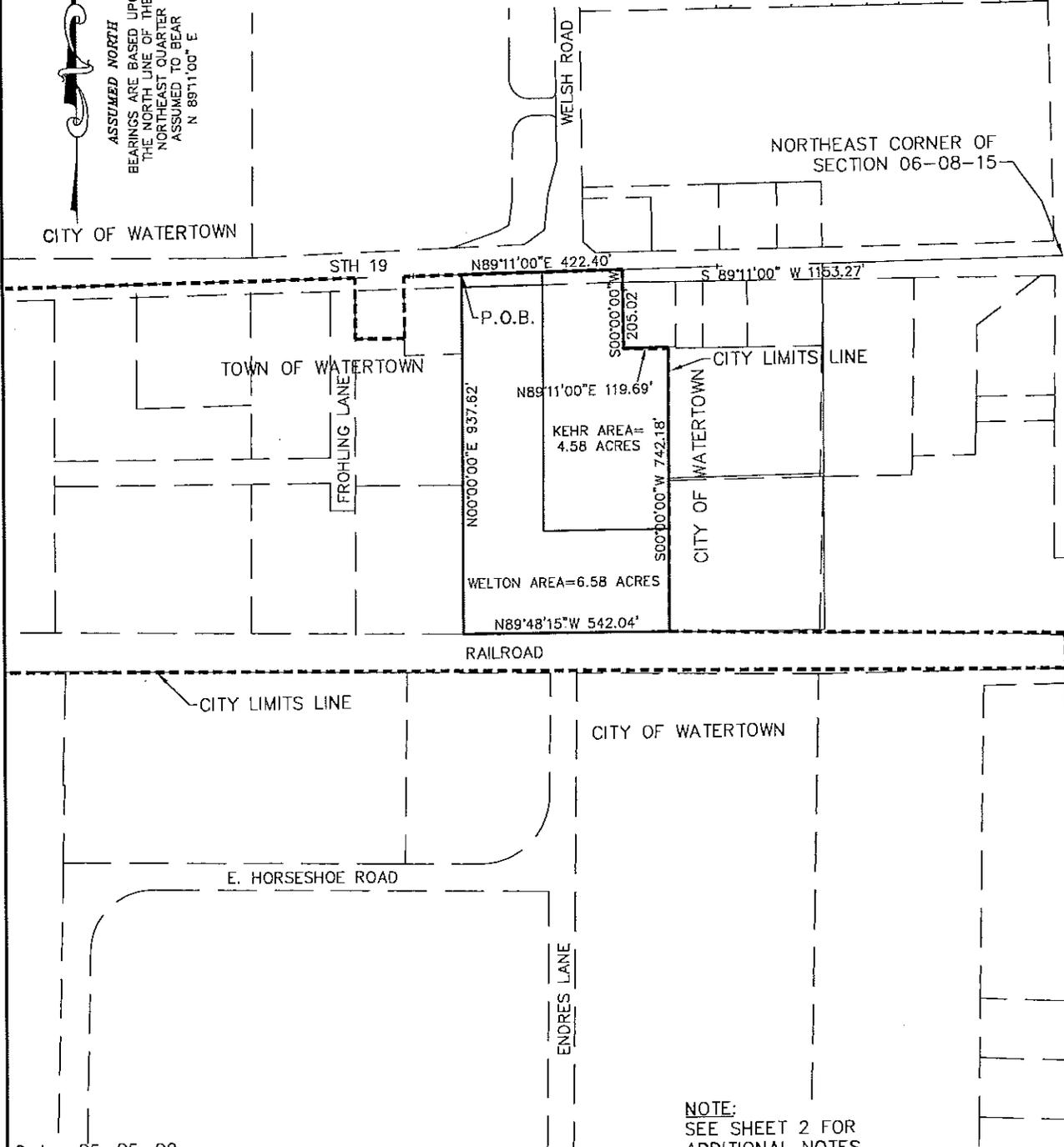
SCALE : ONE INCH = FOUR HUNDRED FEET

ORDINANCE No. _____
 I.D. No. _____
 DATE ADOPTED _____
 DATE PUBLISHED _____

ALD. DISTRICT ANNEXED TO _____
 AREA 11.16 ACRES



ASSUMED NORTH
 BEARINGS ARE BASED UPON
 THE NORTH LINE OF THE
 NORTHEAST QUARTER
 ASSUMED TO BEAR
 N 89°11'00" E



NOTE:
 SEE SHEET 2 FOR
 ADDITIONAL NOTES

ANNEXATION DESCRIPTION

Part of the North 1/2 of the Northeast 1/4 of Section 06, Township 08 North, Range 15 East, Town of Watertown, Jefferson County, Wisconsin, more fully described as follows

Commencing at the Northeast corner of Section 6; thence South 89 degrees 11 minutes 00 seconds West along the North line of the NE ¼, 1575.67 feet to the **Point of Beginning**; thence North 89 degrees 11 minutes 00 seconds East along said North line and along the City of Watertown City limits, 422.40 feet; thence South 00 degrees 00 minutes 00 seconds West along the City of Watertown City limits, 205.02 feet; thence North 89 degrees 11 minutes 00 seconds East along the City of Watertown City limits, 119.69 feet; thence South 00 degrees 00 minutes 00 seconds West along the City of Watertown City limits, 742.18 feet to a point on the North right-of-way line of the Wisconsin and Southern Railroad; thence North 89 degrees 48 minutes 15 seconds West along said North right-of-way line, 542.04 feet; thence North 00 degrees 00 minutes 00 seconds East, 937.62 feet to the **Point of Beginning**.

This description contains 486,283 square feet or 11.1635 acres.

Bearing basis: The North line of the NE ¼ is assumed to bear North 89 degrees 11 minutes 00 seconds East.

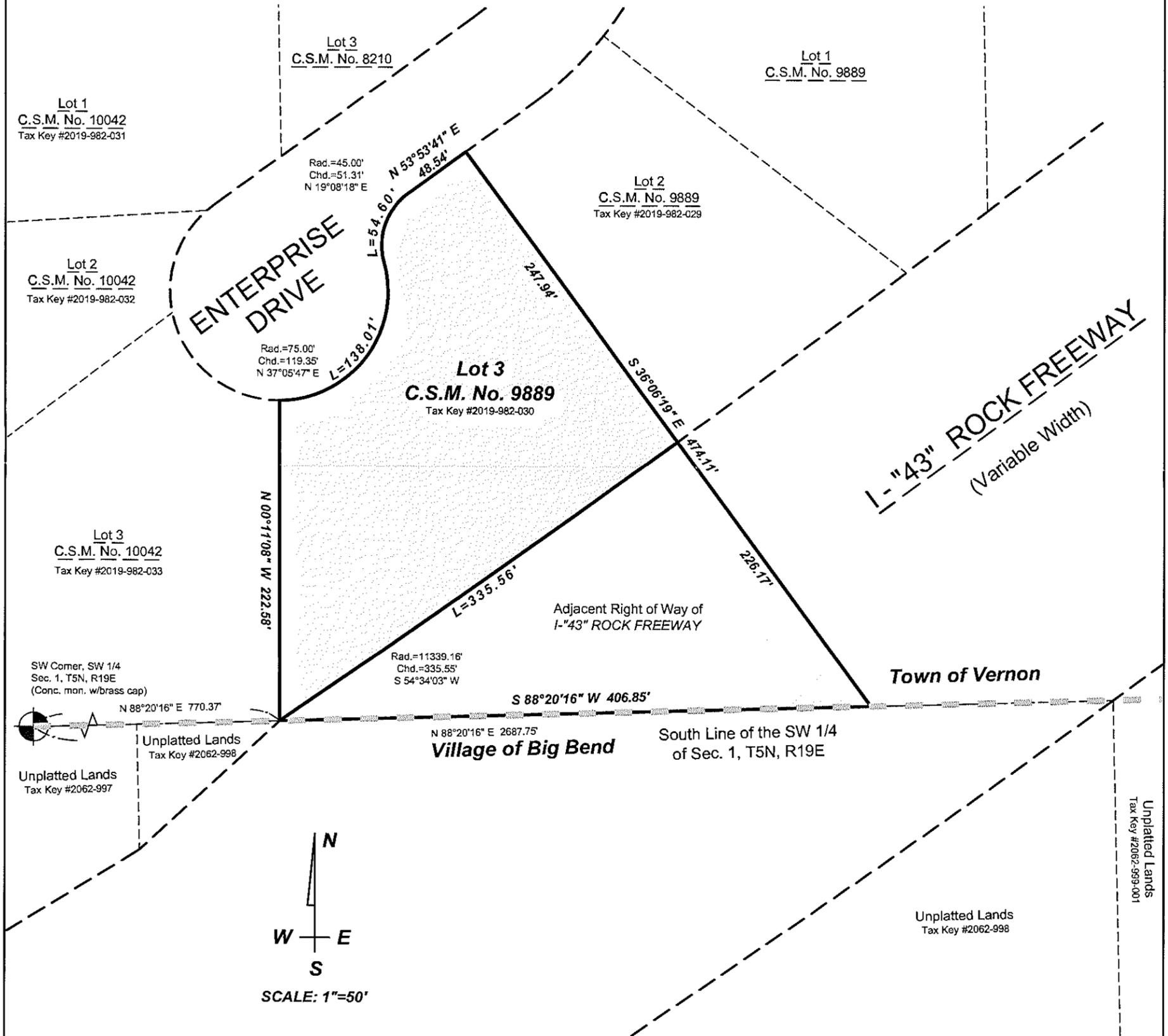
ANNEXATION MAP

September 14, 2009

Survey No. 070082
American Fireworks

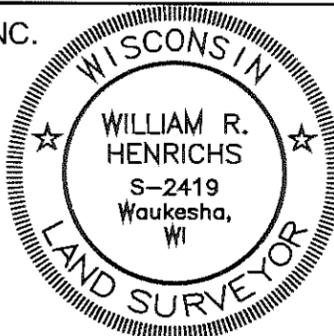
LEGAL DESCRIPTION OF LANDS TO BE ANNEXED:

Lot 3 of CERTIFIED SURVEY MAP NO. 9889 and the adjacent right of way of 1 "43" (Rock Freeway), being a part of the Southwest 1/4 of the Southwest 1/4 of Section 1, Town 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin, better described as follows: Commencing at the Southwest corner of said Southwest 1/4 run thence N 88°20'16" E along the South line of said Southwest 1/4 a distance of 770.37 feet to the Place of Beginning; Thence N 00°11'08" W, 222.58 feet to the Southerly R.O.W. line of Enterprise Drive; Thence Northeasterly 138.01 feet along said R.O.W. line and the arc of a curve whose center lies to the Northwest, whose radius is 75.00 feet and whose chord bears N 37°05'47" E, 119.35 feet; Thence Northeasterly 54.60 feet along said R.O.W. line and the arc of a curve whose center lies to the East, whose radius is 45.00 feet and whose chord bears N 19°08'18" E, 51.31 feet; Thence N 53°53'41" E, along said R.O.W. line, 48.54 feet; Thence S 36°06'19" E, 474.11 feet to the South line of said Southwest 1/4; thence S 88°20'16" W along said South line, a distance of 406.85 feet to the Place of Beginning. Said land containing 92,267 Sq. Ft.



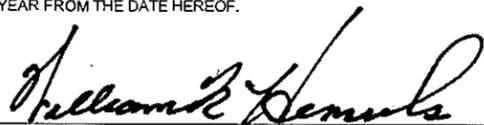
DRAWING BY:ST

LANDCRAFT SURVEY AND ENGINEERING, INC.
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
2077 South 116th Street, West Allis, WI 53227
PH. (414) 604-0674 FAX (414) 604-0677
INFO@LANDCRAFTSE.COM



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED 
William R. Henrichs, Registered Land Surveyor S-2419

EXAMPLE ANNEXATION MAP AND LEGAL DESCRIPTION THAT DOES NOT MEET THE REQUIREMENTS OF S. 66.0217 (1) (c) & (g)

- The legal description does not commence from a 1/4 section or government lot corner.
- The legal description does not describe the land by gov't lot, 1/4-1/4 section, section, town, range.
- The map does not agree with the description.
- The map does not show the point of commencement, or the existing municipal boundary.
- The map is not drawn to scale and does not contain a graphic scale.

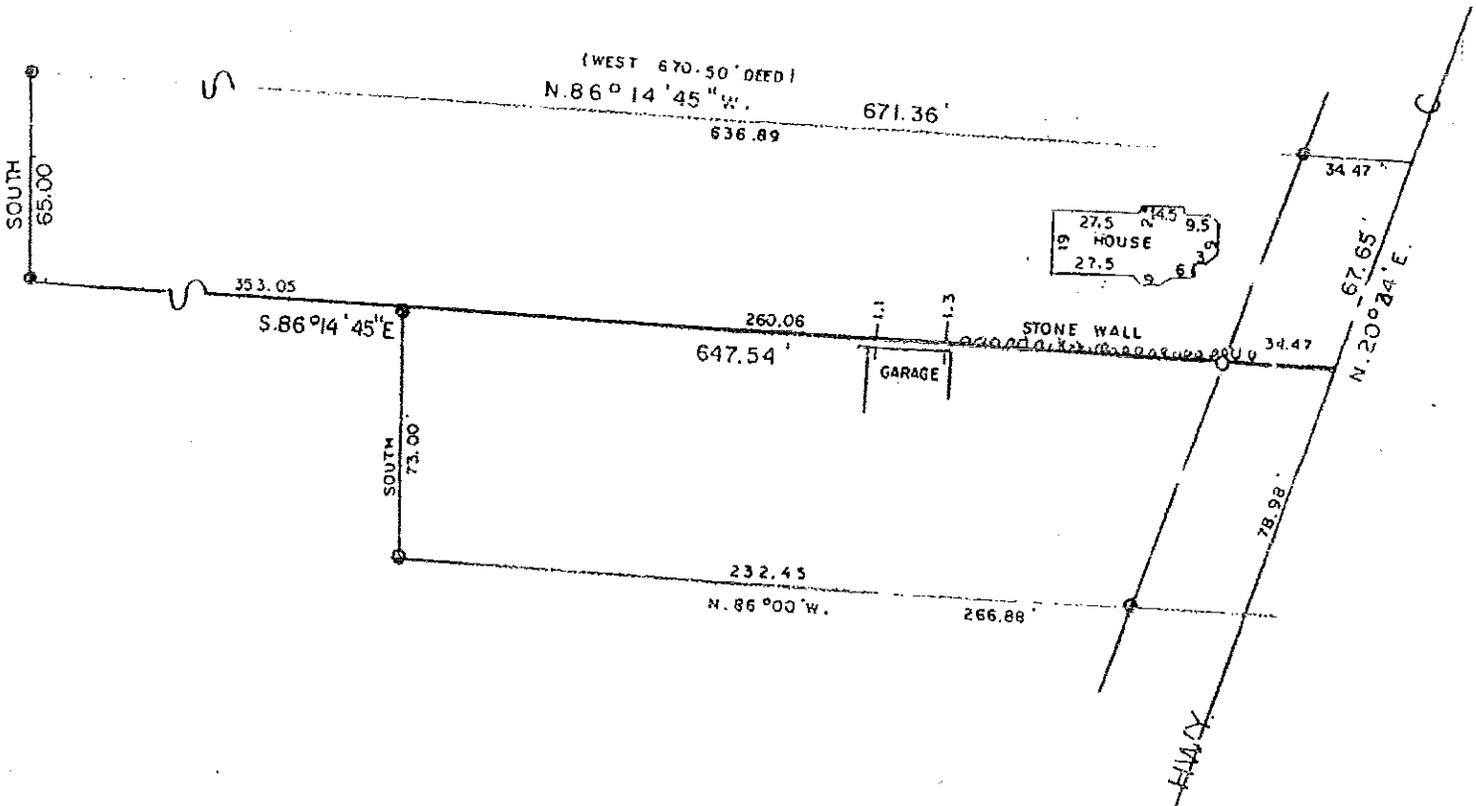
13498

LAND SURVEYS
SHEBOYGAN, WISCONSIN
PLAT OF SURVEY

FOR

Being a resurvey of land described in Volume 567 on page 539 of deeds as:

Beginning at the Northeast corner of the South 5.71 acres of the 8.05 acres in the Northwest corner of Lot Number 2, West of the so-called Port Ulao Road of Section 33-11-22 East; running thence West 670-1/2 feet; thence South 55 feet; thence east to the center of the so-called Port Ulao Road; and thence North to the place of beginning, in the Town of Port Washington, Ozaukee County, Wisconsin



ANNEXATION MAP

CORRECTED VERSION OF THE PREVIOUS ANNEXATION MAP

13498

This map and description meets the requirements of s. 66.0217 (1) (c) and (g), Wis. Stats.

BEING PART OF GOVERNMENT LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SEVTEEN 33, T. 11 N., R. 22 E., TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN CONTAINING 0.93 ACRES OF LAND AND DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER SAID SECTION 33; THENCE S 02°41'17" E., 1390.98 FEET ALONG THE WEST LINE SAID NW 1/4; THENCE S 88°38'11" E., 467.54 FEET TO THE POINT OF BEGINNING; THENCE S 02°23'26" E. (SOUTH DEED), 65.00 FEET; THENCE S 88°38'11" E. (EAST DEED), 613.07 FEET MORE OR LESS TO THE WEST LINE OF C.T.H. "C"; THENCE N 18°10'34" E. (NORTH DEED), 67.76 FEET ALONG SAID WEST LINE OF C.T.H. "C"; THENCE N 88°38'11" W. (WEST DEED), 636.92 FEET MORE OR LESS TO THE POINT OF BEGINNING.

NW 1/4 OF NW 1/4

CITY OF PORT WASHINGTON

CORP. LIMITS NORTH LINE 6.L. 2

TOWN OF PORT WASHINGTON

S 88°38'11" E 467.54

0.93 ACRES
 N 88°38'11" W 636.92 (WEST DEED)
 S 88°38'11" E 613.07 (EAST DEED)

TOWN OF PORT WASHINGTON

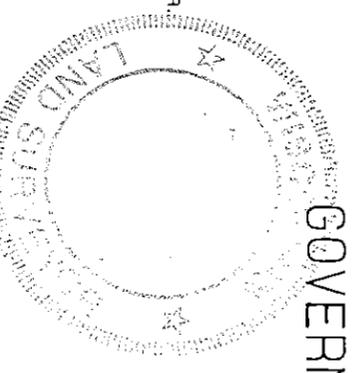
CITY OF PORT WASHINGTON

(C.T.H. C) TOWN OF PORT WASHINGTON
 DIVISION STREET
 CORP. LIMITS CENTERLINE
 CITY OF PORT WASHINGTON

LINE	BEARING	DISTANCE
L1	S 02°23'26" E	65.00
L2	N 18°10'34" E	67.76

MON AT NW COR. SEC. 33-11-22 1390.98
 S 02°41'17"E 2648.46
 1257.48

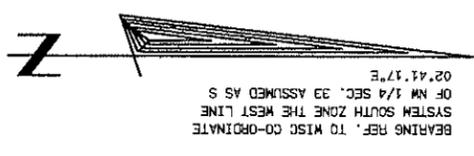
PK AT N 1/4 COR. SEC. 33-11-22



GOVERNMENT LOT 2

THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AS AGENT OR OWNER, I HEREBY WAIVE STAKING OF THIS PARCEL PER A-E 5.01 OF THE WISCONSIN ADMINISTRATIVE CODE.



BEARING REF. TO MISC CO-ORDINATE SYSTEM SOUTH ZONE THE WEST LINE OF NW 1/4 SEC. 33 ASSUMED AS S 02°41'17"E

Dated this 05 day of Sept 2010

AGENT OR OWNER DATE: _____



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

December 30, 2010

PETITION FILE NO. 13515

CINDI HESSE, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911

CLERK
TOWN OF HARRISON
W5298 HWY 114
MENASHA, WI 54952

Subject: EISENHOWER DRIVE ANNEXATION

The proposed annexation submitted to our office on December 14, 2010, has been reviewed and found to be in the public interest. The subject petition is for territory that is reasonably shaped and contiguous to the CITY OF APPLETON. The City has indicated the ability to provide municipal services to the territory.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13515**
The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,

Erich Schmidtke
Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

November 29, 2010

PETITION FILE NO. 13511

BEVERLY R GILL, CLERK
CITY OF BURLINGTON
300 N PINE ST
BURLINGTON, WI 53105

ADELHEID STREIF, CLERK
TOWN OF BURLINGTON
32288 BUSHNELL RD
BURLINGTON, WI 53105

Subject: CINDY KEMPKEN ANNEXATION

The proposed annexation submitted to our office on November 23, 2010, has been reviewed and found to be in the public interest. The subject petition is for a parcel that is reasonably shaped and contiguous to the CITY OF BURLINGTON. The City has indicated the ability to provide municipal services to the parcel.

The Department has the following comments based upon our review:

-Per conversation of 12/10/10 with the City Clerk, the legal description provided with the petition does not correspond to the parcel being annexed. In the ordinance that annexes this parcel, the parcel must be described as "Lot 1 of Certified Survey Map 3001, as recorded in Vol___ Pg___, Racine County register of deeds". A metes and bounds description of the parcel is not required, unless lands being annexed are added to or excluded from Lot 1. (Ref: s. 66.0217 (1) (c) 2, s. 236.34 (3), Wis. Stats.)

-If a copy of CSM 3001 is to be used as the scale map of the parcel included with the annexation ordinance (we recommend that it is), the map must clearly identify the existing municipal boundary. If any other map is used, the map must also show the existing municipal boundary, must clearly identify the parcel being annexed as Lot 1 of CSM 3001, and include a graphic scale. (Ref: s. 66.0217 (1) (g), Wis. Stats.)

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13511**

The address of the Office of the Secretary of State is:

Annexations and Railroads, Division of Government Records, Office of the Secretary of State
PO Box 7848, Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,
Erich Schmidtke, Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
DANIEL J. SCHOOFF
SECRETARY

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Web: <http://doa.wi.gov/municipalboundaryreview/>

December 17, 2010

PETITION FILE NO. 13512

JEAN A. WULF, CLERK
CITY OF JANESVILLE
PO BOX 5005
JANESVILLE, WI 53547

DEBORAH BENNETT, CLERK
TOWN OF ROCK
5814 S DUGGAN RD
BELOIT, WI 53511

Subject: JAYSON DUFFY ANNEXATION

The proposed annexation submitted to our office on November 29, 2010, has been reviewed and found to be in the public interest. The subject petition is for a parcel that is reasonably shaped and contiguous to the CITY OF JANESVILLE.

Note:

-The ordinance that annexes this parcel must include a single metes and bounds description of the parcel being annexed, that commences from a monumented corner of the 1/4 section in which the parcel lies. Statute does not provide for description by exception, or for separate descriptions of contiguous lands. (ref: s. 66.0217 (1) (c), Wis. Stats.)

-The scale map included with the ordinance must contain a graphic scale, and show the courses of the metes and bounds description along with the tie from the parcel to the 1/4 section corner. (ref: s. 66.0217 (1) (g), Wis. Stats.)

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13512**

The address of the Office of the Secretary of State is:

Annexations and Railroads, Division of Government Records, Office of the Secretary of State
PO Box 7848, Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke
Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
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Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

November 30, 2009

PETITION FILE NO. 13418

SUE PECK, CLERK
VILLAGE OF MARSHALL
PO BOX 45
MARSHALL, WI 53559

JEAN JOHNSON, CLERK
TOWN OF MEDINA
50 E WATERLOO RD
WATERLOO, WI 53594

Subject: HEBEL ANNEXATION

The proposed annexation submitted to our office on November 5, 2009, has been reviewed and found to be against the public interest.

The subject petition is for territory that is not contiguous to the **VILLAGE OF MARSHALL**.

Section 66.0217 (6), Wis. Stats., requires the department to advise the annexing municipality whether or not an annexation petition is in, or against, the public interest considering the public interest criteria in s. 66.0217 (6)(c) Wis. Stats. The first criteria relates to services and whether the annexing jurisdiction can best provide services to the annexation territory. The second criteria, and the criteria at issue with this annexation, relates to the shape and homogeneity of the annexation territory with the annexing jurisdiction. Specifically, the criteria reads as follows:

(c) *Definition of public interest.* For purposes of this subsection “public interest” is determined by the department after consideration of the following:

2. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

In addition to this statutory charge, in *Incorporation of the Town of Pewaukee*, 186 Wis. 2d 515, 525 (1994), the Wisconsin Court of Appeals opined that the department reviews annexations in order “to prevent haphazard, unrealistic and competitive expansion of municipalities which disregards the overall public interest.”

Prior to re-codification along with other sections in Chapter 66 in 1999 through Act 150, the general rule in Section 66.021 (2), Wis. Stats., was that there must be at a minimum some significant degree of physical contact between properties in question (from *Town of Delavan v. City of Delavan* et al., 176 Wis. 2d 516). While there are many cases about “adjacent,” and “balloons on the end of a string” annexations, the courts have rarely, if ever, opined in circumstances where parcels at some remove were simply petitioned at random, as no one has ever interpreted the statute in this manner. The Prefatory Note prepared by Legislative Council staff incorporated into 1999 Act 150 states that no substantive changes in the statutory provisions were intended. “If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in this bill be construed to have the same effect as the prior statutes.”

Following re-codification, the word "contiguous" now only appears in the next subsection, 66.0217 (3), entitled "Other Methods of Annexation." As amended in later sessions, 66.0217 (2) increasingly is being read and interpreted as a stand-alone section in the annexation law. This reading of the statute is not consistent with the orderly annexation process presupposed by the Legislature, and potentially invites needless uncertainty and possible litigation expense.

In the present circumstance, the annexation parcel lies approximately 700' away from the existing municipal limit line of the Village. In response to our annexation questionnaire, the Village states that the parcel will be utilized as a municipal well and that the village will soon acquire ownership of the parcel.

Section 66.0223 Wis. Stats. specifically addresses annexation of city-owned territory (its provisions apply equally to villages), which is usually undertaken for municipal wells or other public projects. Annexation under this statutory section does not require Department review, nor do the public interest criteria related to the shape and homogeneity of the annexation territory apply. Therefore, it would be preferable for the Village to annex under s. 66.0223 than under the unanimous consent provision of s. 66.0217.
Municipal Boundary Review

If, contrary to the department's determination, the Village chooses to adopt an ordinance annexing this parcel, the department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13418**
The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,



Erich Schmidtke
Municipal Boundary Review

cc: petitioner



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MICHAEL MORGAN
SECRETARY

**Division of Intergovernmental Relations
Municipal Boundary Review**

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Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

October 5, 2009

DOA PETITION FILE NO. 13411 (13249)

CHERYL SUTTER, CLERK
VILLAGE OF MOUNT HOREB
138 E MAIN ST
MT HOREB, WI 53572

HELEN KAHL, CLERK
TOWN OF BLUE MOUNDS
10560 BLUE ROCK RD
MOUNT HOREB, WI 53572

Subject: MOUNT HOREB AREA SCHOOL DISTRICT ANNEXATION

The proposed annexation submitted to our office on September 9, 2009, has been reviewed and found to be contrary to the public interest, as none of the concerns expressed in our previous determination letter have been addressed. To wit:

The subject petition is for territory that is reasonably shaped and technically contiguous to the Village of MOUNT HOREB. However, as filed, this annexation is essentially a “balloon on a string,” a form of annexation prohibited by annexation case law:

Section 66.0217 (6), Wis. Stats., requires the Department to advise the annexing municipality whether or not an annexation petition is in, or against, the public interest considering s. 66.0217 (6) (c), including shape and contiguity of the proposed annexation. In *Incorporation of the Town of Pewaukee*, 186 Wis. 2d 515, 525, the Wisconsin Court of Appeals opined “...that the DOD (now DOA) reviews annexations only in consideration of the objectives recognized by the legislature--to prevent haphazard, unrealistic and competitive expansion of municipalities which disregards the overall public interest.” As a “balloon on a string”-type annexation, this petition does not meet the minimum standard for contiguity established by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*, 24 Wis.2d 41, 127 N.W.2d 757 (1964). Balloon-on-a-string type annexations that use road right-of-way or other isolated strips of land for contiguity create bizarre and unworkable municipal boundaries that are difficult to serve and are confusing for area residents, businesses, emergency response personnel, and others.

The Town has reiterated its concern that representatives of the Mount Horeb Schools previously appeared before the Town Board in September of 2005, proposing that the site be used for a school bus garage, a use that the Town Board did not favor, expressing concerns over traffic and other safety issues. The Town Board requested that a traffic study be prepared before agreeing to any rezoning of the parcel, and the study was never submitted. The Town believes these concerns have yet to be addressed. The Village states that this property will likely be used for future school expansion, but that the plan commission has not reviewed any development proposals, and that municipal services may be available within the next 2-10 years. The “balloon on a string,” (in this case an approximately 500' long string) configuration of this annexation petition, if adopted as an ordinance, could potentially present future problems for the Village as other parcel owners seek annexation in the future.

CHERYL SUTTER, CLERK
HELEN KAHL, CLERK
October 5, 2009
Page 2

Given the configuration of Town and Village parcels in this area, including the CTH JG and USH 18/151 right-of-way at this location, I would recommend that the Village and Town jointly try to resolve the potential policy and service issues, either through a reworked annexation petition and subsequent rezoning, or preferably by an intergovernmental agreement using s. 66.0301 or s. 66.0307, Wis. Stats.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13411**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

Please call me at (608) 266-0683, should you have any questions concerning this annexation review letter, or intergovernmental agreements.

Sincerely,



Erich Schmidtke
Municipal Boundary Review

cc: Larry Bierke, Village Administrator



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

August 31, 2010

PETITION FILE NO. 13487

PAMELA R. UBRIG, CLERK
CITY OF OSHKOSH
PO BOX 1130
OSHKOSH, WI 54903

JEANNETTE MERTEN, CLERK
TOWN OF OSHKOSH
1065 COZY LN
OSHKOSH, WI 54901

Subject: DECLUTE ANNEXATION

The proposed annexation submitted to our office on August 10, 2010, has been reviewed and found to be against the public interest.

The subject petition is for territory that is reasonably shaped, however it is not contiguous to the **CITY OF OSHKOSH**. Section 66.0217 (2), Wis. Stats., clearly states "...No territory may be annexed by a city or village under this subsection unless the territory to be annexed is contiguous to the annexing city or village". Reference maps indicate that the subject petition is for territory adjoining a non-contiguous parcel that was annexed in July 2009, creating a 'city island'.

We recommend incorporating the street right-of-way lying south of the 'city island'. This, in conjunction with the recent annexation of the property south of the right-of-way would satisfy the contiguity requirement in the statute.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13487**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive, with a large initial "E" and "S".

Erich Schmidtke
Municipal Boundary Review

cc: Petitioner