

Wisconsin Society of Land Surveyors - Assessor's Plat Survey in WI

Assessor's Plat Survey in WI - FAQ

When was the Assessor's Plat law first enacted by state statutes?

In 1887, or only about four decades after Wisconsin attained statehood. The early provisions of the law did not provide for adequate review, approval, surveying and monumentation needs. Such requirements were effected by statutory provisions in 1951 and 1955. In 1956 new statutes provided for the licensing of Land Surveyors. In 1965, the statutes provided for plat review by the state and the public, the filing of legal suits for correction and the inclusion of any previously platted lands.

By what authority may an Assessor's Plat Survey be made?

By Section 70.27 of our state statutes, which provides that the plat and survey may be ordered by resolution in cities by the common council, in villages by the village board, and in towns by the town board or the county board.

Why is the plat and survey ordered by a local governing body?

When it is judged by the governing body, that the description of one or more land parcels are inaccurate or uncertain, for the purposes of assessment, taxation or tax title; or when gross errors exist in land measurements or locations, which hinder the location of public streets, utilities or new structures; or when any subdivider or agent may divide lands in violation of the platting provisions of Chapter 236, Wisconsin Statutes and/or local regulations.

Who may perform the survey and prepare the plat?

Any Land Surveyor who is duly registered to practice in the State. The governing body normally solicits proposals from local land surveying firms, and contracts with the successful firm and/or land surveyor.

How is the cost for the survey and plat to be paid?

The actual and necessary expenses and costs are to be paid from the treasury of the governing body; and all or any portion thereof may be charged to the landowners involved, and collected as a special assessment. The assessed land valuation of each parcel, not including improvements, is used as the basis for prorating the special assessments.

Must the governing body conduct a public hearing prior to ordering the survey and plat, or special assessments?

A public hearing is not required as due legal process is provided by statutes.

What lands may be included in the survey and plat?

Any area of land, located within the jurisdiction of the governing body, that is platted, unplatted or unrecorded; and owned by 2 or more persons in severalty.

What is the definition of the statutory term "owned in severalty"?

Ownership in severalty is a state of legal separation, wherein any landowner has no title rights or any interests in land which is owned by another. As a result, the statutes have been interpreted to provide, that any Assessor's Plat must include a minimum of two land parcels, with legally separated ownership.

How must the survey and plat be made?

The Land Surveyor must survey and plat the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or special use, included within the area ordered by the governing body:

...according to the records of the local register of deeds or court of record.

...by whatever evidence that may be available to show the intent of the buyer and seller.

...in the chronological order of their conveyance or dedication.

All discrepancies revealed by the survey must be reconciled by the Land Surveyor, so that the survey and plat conforms to the records of the register of deeds and the courts, *as nearly as is practical*.

How are revealed description or boundary discrepancies reconciled?

The statutes provide that a written boundary agreement may be entered into between adjoining landowners, which upon recording with the plat, will revise the land parcel boundaries, as agreed to, for all future legal purposes. Deed reformation or exchange may also be used; however, a boundary agreement is preferred as it is directly related by reference to the recorded plat and survey.

Is a landowner provided the opportunity to review the survey and/or plat?

Yes. The statutes provide that upon the completion of the survey and plat, the governing body clerk must mail notice thereof to each involved landowner, so survey monuments may be inspected, the plat reviewed at a designated public office, and whereupon each landowner may make known any objections to the survey and/or plat. The governing body and/or the Land Surveyor contact each aggrieved landowner for the purpose of resolving objections which may have been filed.

Must the Assessor's Plat be further reviewed for compliance with statutory requirements?

Yes. Within 2 days of the receipt of the final plat from the Land Surveyor, the governing body clerk must submit the plat to the state plat review agency in Madison, for review and certification of no objection; the agency must perform the review within 30 days.

Does any affected landowner have further opportunity to object to the final plat?

Yes. Upon receipt of the final plat from the state plat review agency, the clerk of the governing body must cause prompt publication of a Class 3 public notice, in compliance with the statutes. Such notice provides for a 30 day plat review period, at a designated public office. During such public review period, any person or public body having an interest in any lands affected by the plat, may file a legal suit for objection to or for the correction of the final plat. No approval and recording of the final plat may be rendered by the governing body, until all legal suits have been duly processed by the courts.

If platted lands of record are included, how are they affected by the Assessor's Plat survey?

Upon recording of the final Assessor's Plat, such previously platted lands of record are deemed vacated, to the extent that they were included in or altered by the plat and survey. This is essential, as many early plats were protracted on paper, poorly surveyed or monumented, and further altered by subsequent deed exchanges between owners without benefit of a record land survey.

Upon the approval and recording of the final plat by the governing body, how must the included parcels be described for future legal purposes?

By lot or parcel number as designated upon the face of the plat. Example: All of Lot 17 of Village of Plattville Assessor's Plat No. 23. The boundaries of lots or parcels included upon the plat, shall be the true boundaries, even though they may vary from the metes and bounds descriptions which were of public record previous to the recording of the plat. A recorded Assessor's Plat has the same effect, for all purposes, as if it were a land division plat created under the provisions of Chapter 236, Wisconsin Statutes.

How may a recorded Assessor's Plat be amended or corrected?

The governing body may order that a plat and survey be made of the lands affected by such amendment or correction, in the same manner as provided by the statutes, for the Assessor's Plat of record. The recording of correction affidavits may not be used to correct or to amend a recorded Assessor's Plat.

How are land parcels, included by the survey, further referenced upon the final Assessor's Plat?

Each numbered lot or parcel must be referenced upon the final plat, by the volume, page and document number of the instrument of conveyance, previously recorded in the county register of deeds office. Any unrecorded lots or parcels, must be

described by a complete metes and bounds description, upon the face of the final plat.

If any land parcel has been previously surveyed and monumented by a recorded certified land survey, how is it included or affected by an Assessor's Plat survey?

If the previous survey and monuments are found to represent an accurate location of the parcel boundaries, without any unresolved discrepancies or conflicts, the parcel is included without further alteration on the plat. Normally, the governing body will not charge a special assessment unto the involved landowner, as a result of such inclusion.

May included land parcels be further divided and/or dedicated for public or special use by an Assessor's Plat?

No, as it is expressly provided by the statutes, and further augmented by the opinion of the Attorney General, that the plat be restricted to reconciliatory purposes for lands previously conveyed and/or unrecorded; which hinder governmental functions.

If any included land parcel, owned in severalty, may be separated by a roadway or navigable waterway, how are are the separated portions of the parcel surveyed and platted?

The separated parts of the parcel are designated as distinctive numbered lots upon the plat. This requirement is in conformity with legal opinion of the Attorney General on parcel separation.

How are existing private roadways or easements of record to be represented upon the plat?

As a numbered Outlot referenced by the applicable volume, page and document number of public record. Any unrecorded roadways, easements or other dedications evidenced by the survey, are also to be represented upon the plat; as well as drainage ditches, wetlands, waterways or other salient and predominant features of the land, which may be revealed by the survey. Navigability of waterways is also indicated, whenever it is determinable.

Must existing buildings, improvements or encroachments be represented upon the plat?

No, unless so ordered by the governing body. Unresolved boundary encroachments, are normally shown by separate detail upon the plat; this will assure the revealment thereof after the plat is recorded.

To what accuracy must the Assessor's Plat survey be performed?

The ratio of error of the geometrical closure in latitude or departure, of any included parcel or part thereof, must not exceed 1/3000. The plat must also be drafted at a scale of not more than 100 feet per inch; unless previously waived in

writing by the state review agency.

Must the corners of included lots or parcels be monumented by the survey?

All surveyed lots must be monumented, by statutes, *prior to* submittal of final plat to the state plat review agency; no monumentation may be waived by the local governing body. All monuments are deemed temporary until recording of the plat, whereupon they become permanent, and are further protected by the statutes, with a fine and/or imprisonment, in the event they are disturbed, destroyed, damaged or otherwise made inaccessible. The state plat review agency may approve alternative monumentation due to special conditions.

Upon approval and recording, may parcels included within an Assessors Plat be further divided?

Yes. Lands within any recorded Assessors Plat may be divided by a subdivision plat or a certified survey map as provided by Chapter 236 of Wisconsin Revised Statutes, and shall be described for all purposes with reference to the subdivision plat or certified survey map.

What are the significant advantages that result from the completion of Assessor's Plat surveys?

- ...All conflicting and disputed land boundaries are legally reconciled.
- ...All uncertain or inaccurate land descriptions are legally clarified.
- ...All land boundaries are accurately located by a modern land survey.
- ...Property financing transactions are adequately secured and inconvenienced.
- ...Title insurance determinations are facilitated by accurate descriptions.
- ...Transfers of land title are accommodated with assurance and efficiency.
- ...An equitable basis is provided for taxation and special assessments.
- ...Unrecorded and omitted land parcels are accounted for on tax roll.
- ...Future property improvements may be located without encroachments.
- ...Future property divisions by a record land survey are simplified.
- ...All survey monuments are protected by statutory fine and/or imprisonment.
- ...Public review, government approvals and court adjudication is duly provided.
- ...Written and unwritten title rights and/or interests are ascertained or clarified.
- ...Future public works are supported by more accurate survey control.
- ...Subsequent corrections or amendments require the same statutory process.

- ...All local land ordinances can be more effectively administrated.
- ...Inadequate subdivision plats or maps are vacated in whole or in part.
- ...Survey is performed and plat prepared by a Registered Land Surveyor.
- ...The survey and plat must comply with specific statutory provisions.
- ...Cost is levied upon the basis of assessed land valuation only, without inclusion of the assessed valuation of improvements.
- ...Apportioned cost to the local government and individual land owners is normally more economical than by separate or individual property surveys.
- ...Costs may be collected by special assessment, in whole or in part.
- ...Subsequent parcel description is simplified by lot number of plat, in lieu of a lengthy and cumbersome metes and bounds reference.
- ...Boundaries and corners are surveyed in conformity with public land records, buyer and seller intent and evidence of possession.
- ...Conflicting or disputed common boundaries are mutually resolved by a recorded boundary agreement or conveyancing between the involved landowners.
- ...Upon approval and recording, the assessor's plat shall have the same effect for all purposes as if it were a land division plat made by the involved owners in full compliance with Chapter 236, Wisconsin Statutes.
- ...Any parcel included within a recorded Assessors Plat plat may be further divided by subsequent subdivision plat or certified survey map in accordance with applicable statutory requirements.
- ...The final surveyed plat is publicly documented in county records.
- ...A true and correct copy of the approved and recorded final assessor's plat is normally provided to the involved owners, by the governing body or contracted surveying firm, for future referral purposes.

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FOR LANDS SAKE...USE AN ASSESSORS PLAT

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