

Wisconsin Jurisdictional Exam Prep

68th Annual IPLSA Conference

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WISCONSIN
PAM-221
 MAY • Smell Our Dairy Air • 97%

I. Background

Exam Topics	%	Ques
I. U.S. Public Land Survey and Retracement in Wisconsin		
A. History of Local Land Surveying Systems and Practices in Wisconsin	8	4
B. Obliterated Corners and the Evaluation of Evidence	12	6
C. Deviations from Federal Method	6	3
i. Location of Center Section (1853 to 1869)		
ii. Special Instructions for Original Government Surveys		
D. Sources of Local Surveying Records--s.24,59 and 236	4	2

I. Background

Wisconsin Professional Land Surveying Exam Information:
<https://dsps.wi.gov/Pages/Professions/LandSurveyorProfessional/Exams.aspx>

Testing on the fundamentals of the practice of land surveying and the specifics of the profession relevant specifically to Wisconsin. The passing score is 70%.

A. Exam Content

Emphasis / Subject	%	Ques
I. U.S. Public Land Survey and Retracement in Wisconsin		
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ii. Special Instructions for Original Government Surveys		
D. Sources of Local Surveying Records--s.24,59 and 236	4	2

I. Background

Emphasis / Subject	%	Ques
II. Wisconsin Statutes Relating to Land Surveying		
A. Counties--s.59.45-46 and 59.72-75, s 83.11	8	4
B. Towns--s.60.84, s. 82	4	2
C. Assessor's Plats--s.70.27	(6)	1
D. Platting--Ch. 236	12	6
E. Certified Survey Maps--s.236.34 and 236.45	6	3
F. Condominium Plats--s.703.11 through 703.13	2	(3)
G. Examining Board--s.443.01(8), 443.02, 443.06, 443.12, 443.14(8), and 443.14(9)	2	1
H. Other Limitations/Adverse Possession, Ch. 893, Subchapter III Highways, s.84.09 and 84.095 Cemetery Plats, s.157.07 Storm Water Concentration and Impact	4	2

I. Background

Emphasis / Subject	%	Ques
III. Wisconsin Admin Code Provisions Relating to Land Surveying		
A. Registration and Certification--A-E1, A-E2, and A-E6	4	2
B. Minimum Standards for Property Surveys--A-E7	12	6
C. Rules of Professional Conduct--A-E8	4	2
D. Land Divisions-- DNR DOT Court rulings	6	3


I. Background Red = Must Have

B. Reference Material		
The Wis Jurisdictional Licensing Exam is an online, open book exam.		
1. Wisconsin Specific		
Published by and available from WLS		Mem/non
<i>Wisconsin Laws Relating to the Practice of Land Surveying</i>		\$35/50
<i>A Manual for Resurvey of Public Land Survey Corners and Sectionalized Subdivision Boundaries within the State of Wisconsin</i> , Onsrud, Harlan J., 1979 Master of Science		\$20/25
<i>General Instructions and State Laws Governing the Original Government Survey of Wisconsin</i> , P. Sprague, 1974 (2007 reprint)		\$20/30
Free downloads		
<i>Wisconsin Platting Manual</i> , Wisconsin Dept of Administration		
Administrative Codes A-E 1, 2, 6, 7, and 8; Trans 233, and NR 115		
Wisconsin State Statutes as indicated in the content outline		
*These have been assembled into two documents for IPLSA session participants <i>Wis_Survey_Statutes.pdf</i> and <i>Wis_Survey_Admin_Codes.pdf</i>		

I. Background

Assignment

12 T/F
26 Multiple Choice & Fill-in-the-Blank quest




II. PLSS & Retracement in Wis

A. History

1. Timeline

1831	Initial Point for WI 4th Principal Meridian placed by Lucius Lyons
1831	General Instructions of 1831
1833	Instructions for OH, IN, & Terr of WI
1846	General Instructions of 1846
1847	Fourth Principal Meridian Completed to Lake Superior
1848	WI Statehood
1851	General Instructions of 1851
1855	Manual of Surveying Instructions - 1855
1865	Substantial Completion of All Township Line surveys
1873	Substantial Completion of Section Line surveys



II. PLSS & Retracement in Wis

A. History

2. Procedure Evolution

a. Closing Corners

Prior to 1834, closing corners were set along the west and north township boundaries.
1834 instructions required them only along the north township boundary.
General Instructions of 1846; Closing corners placed only on Correction Lines

b. Correction Lines

Prior to 1851 spacing left to discretion of surveyor
1851 Manual, spaced every 4 townships north of the BL & every 5 townships south.

c. Guide Meridians

Introduced by General Instructions of 1881, called Auxiliary Meridians; every 4 townships east and west of the PM
General Instructions of 1890 change Auxiliary Meridians to Guide Meridians.

II. PLSS & Retracement in Wis

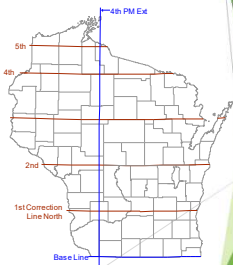
A. History

2. Procedure Evolution

In Wisconsin

Correction line spacing: 10 townships
except 5th at 6 townships.

There are no Auxiliary/Guide Meridians.



II. PLSS & Retracement in Wis

B. Board of Commissioners of Public Lands

<https://bcpl.wisconsin.gov/Pages/WisconsinPLSRecords.aspx>

Scanned original notes and plats



II. PLSS & Retracement in Wis

C. Corner Perpetuation

1. Definition

Existent - Obliterated - Lost as per *Manual of Instructions*

2. Re-establishment

a. Existent

- Original monument and or accessories
- Acceptable replacement monument

b. Obliterated

Strength of evidence
2009 *Manual* - No longer uses "beyond reasonable doubt" terminology

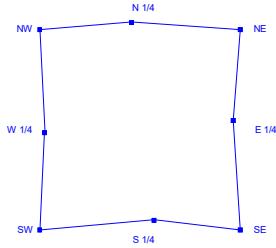
c. Lost

Re-establish by measurement to surrounding corners
Single- and Double-proportionate measurement, 1-, 2-, 3-point control, Irregular boundary adjustment

II. PLSS & Retracement in Wis

D. Center of Section: C1/4

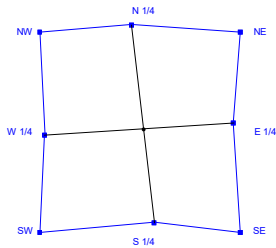
On a perfectly square Section, all three methods would result in the same location.
Of course, not many Sections are...



II. PLSS & Retracement in Wis

D. Center of Section: C1/4

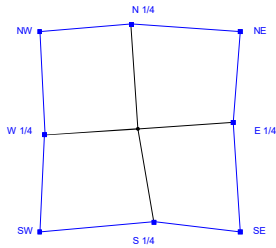
On a perfectly square Section, all three methods would result in the same location.
Federal Method



II. PLSS & Retracement in Wis

D. Center of Section: C1/4

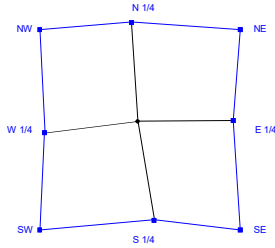
On a perfectly square Section, all three methods would result in the same location.
Equidistant East-West



II. PLSS & Retracement in Wis

D. Center of Section: C1/4

On a perfectly square Section, all three methods would result in the same location.
Equidistant East-West and Equidistant North-South

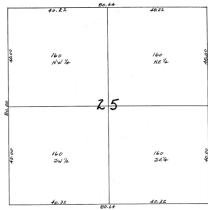


II. PLSS & Retracement in Wis

S25 T36N R10E 4th PM Oneida County

D. Center of Section: C1/4

Record Dimensions



Resurvey



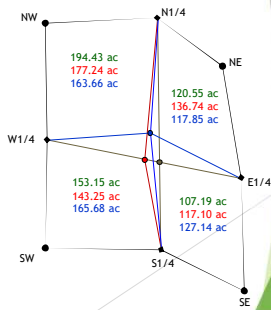
II. PLSS & Retracement in Wis

S25 T36N R10E 4th PM Oneida County

D. Center of Section: C1/4

The method used can make quite a bit of difference.

Aliquot Part	% Area of Section		
	Federal	E/W	E/W-N/S
NE	21.0	23.8	20.5
SE	18.7	20.4	22.1
SW	26.7	24.9	28.8
NW	33.9	30.9	28.5



II. PLSS & Retracement in Wis S25 T36N R10E 4th PM Oneida County

D. Center of Section: C1/4
How would you establish Equidistant E/W & Equidistant N/S?

II. PLSS & Retracement in Wis S25 T36N R10E 4th PM Oneida County

D. Center of Section: C1/4
How would you establish Equidistant E/W & Equidistant N/S?

- (1) Equidistant E/W
perpendicular bisector
- (2) Equidistant N/S
perpendicular bisector
- (3) Intersect bisectors

III. Statutory Land Divisions

A. Subdivision: Chapter 236
Definition, Stat 236.02(12)

(12) (am) Except as provided in par. (bm), "subdivision" means a division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development and to which any of the following applies:

1. The act of division creates **5 or more parcels or building sites of 1 1/2 acres each or less in area.**
2. 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.

(bm) "Subdivision" does not include a division of land into 5 or more parcels or building sites by a certified survey map in accordance with an ordinance enacted or a resolution adopted under s. 236.34 (1) (ar) 1.

III. Statutory Land Divisions

B. Certified Survey Map: stat 236.34 & 236.45

Definition, Stat 236.34(1)

DESCRIPTION AND USES. (am) A certified survey map of **not more than 4 parcels of land**, or such greater maximum number specified by an ordinance enacted or resolution adopted under par. (ar) 1., consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated.

C. Condominium: Chapter 703

Definition, Stat 703.02(4)

"Condominium" means property subject to a condominium declaration established under this chapter.

D. Cemetery: Stat 157.07

E. Transportation Project Plat (TPP) Wis State 80.095

Plan for future land acquisition by WisDOT for transportation purposes.
Replaces older Right of Way plats
Does not create new boundary until acquisition takes place.

IV. Retracements

A. Parcel: Wis Admin Code A-E 7

7.01	Scope
7.02	Definitions
7.025	Survey report, requirements
7.03	Boundary location
7.04	Descriptions
7.05	Maps
7.06	Relative positional accuracy measurements
7.07	Monuments
7.08	U.S. public land survey monument record

IV. Retracements

A. Parcel: Wis Admin Code A-E 7

A-E 7.01 Scope. (1) The minimum standards of this chapter apply to any property survey performed by professional land surveyors in this state, except where otherwise provided in this chapter.

(2) The minimum accuracies in s. A-E 7.06 apply to any property survey performed by professional land surveyors in this state.

(3) If other standards for property surveys are prescribed by statute, administrative rule, or ordinance, and the standards are more restrictive than those in this chapter, the more restrictive standards govern.

(4) Except with regard to a U.S. public land survey monument record or addendum and a map of work performed, the professional land surveyor and client may enter into a written agreement, signed by both parties, to exclude land surveying work from the requirements of ss. A-E 7.03 (2), 7.05 (5) and (7m), and 7.07, where all of the following are performed:

(a) The professional land surveyor certifies on the face of the map the existence of the agreement.

(b) The map includes a note which states that an agreement to exclude work from the requirements of this chapter has been made and a list of those exclusions.

IV. Retracements

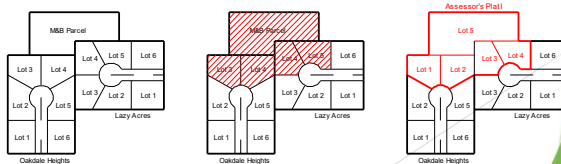
B. Assessor's plat: Wis Stat 70.27

Stat 70.27(1) WHO MAY ORDER. Whenever any area of platted or unplatted land is owned by 2 or more persons in severalty, and when in the judgment of the governing body having jurisdiction, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment, taxation or tax title procedures without noting the correct metes and bounds of the same, or when such gross errors exist in lot measurements or locations that difficulty is encountered in locating new structures, public utilities or streets, such governing body may cause a plat to be made for such purposes. Such plat shall be called "assessor's plat," and shall plainly define the boundary of each parcel, and each street, alley, lane or roadway, or dedication to public or special use, as such is evidenced by the records of the register of deeds or a court of record.

IV. Retracements

B. Assessor's plat: Wis Stat 70.27

An Assessor's plat is a resurvey.
 Does not create new boundaries
 It can cover all or parts of existing subdivision plats and metes and bounds parcels
 A plat is created and covered lands are conveyed and described with respect to it.
 Existing metes and bounds descriptions become lot and block
 Any existing subdivision areas covered are vacated



V. Wisconsin Notes

A. Riparian ownership

Navigable waterways

Lake: Bed owned by state (public) inside ordinary high water mark (OWHWM)

River: Upland owner owns bed to thread (center line)

Muench v. PSC, 261 Wis

Mayer v. Grueber, 29 Wis. 2d 168, 138 N.W.2d 197 (1965)

B. Adverse possession periods

Stat	Period	Major conditions
893.25	20 years	Not founded on written instrument.
893.26	10 years	Founded on written recorded claim. Recorded within 30 days of entry.
893.27	7 years	Founded on written recorded claim and payment of taxes Recorded within 30 days of execution

V. Wisconsin Notes

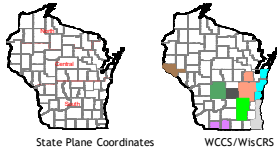
C. Coordinate Systems

- 1. Allowed systems for subdivisions Wis Stat 236.18(2)
 - (a) The Wis coord sys of 1927, based on NAD27
 - (b) The Wis coord sys of 1983 (1986), based NAD 1983 (1986).
 - (c) The Wis coord sys of 1983 (1991), based NAD 1983 (1991).
 - (d) A county coord sys approved by WIDOT, or a coord sys that is mathematically relatable to a Wis coord sys.
- 2. For resurveys A-E 7.05(11)
 - Shall comply with s. 236.18, Stats.

V. Wisconsin Notes

C. Coordinate Systems

- 3. Formal Wisconsin Systems
 - a. State Plane (SPC)
 - North, Central, South Lambert Conic systems
 - b. County Systems
 - (1) Wis County Coordinate Systems (WCCS) : original low distortion systems. conic or cylindric
 - (2) Wis Coordinate Reference System (WisCRS): updated version of WCCS



V. Wisconsin Notes

D. Statute of limitations

893.37 Survey. No action may be brought against an engineer or any professional land surveyor, as defined in s. 443.01 (7m), to recover damages for negligence, errors, or omission in the making of any survey nor for contribution or indemnity related to such negligence, errors, or omissions more than 6 years after the completion of a survey.

The discovery rule applies to statutes of limitations that limit the time to sue from the time when the action "accrues," being the time of discovery. The discovery rule does not apply to this section because it is a statute of repose, a statute that specifies the time of accrual (in this statute the time when the injury occurred) and limits the time suit can be brought from that specified date. Tomczak v. Bailey, 218 Wis. 2d 245, 578 N.W.2d 166 (1998), 95-2733.

V. Wisconsin Notes

E. Correction Instrument

1. Deed

Wis Stat 706.085 Entitled to be recorded; purposes. An instrument correcting a previously recorded conveyance shall be entitled to record in accordance with s. 706.05 in the office of the register of deeds of the county in which the conveyance is recorded and shall include one or more of the following:

(a) The correction of a legal description, including a distance; angle; direction; bearing; chord; lot, block, unit, or building number or letter; appurtenant easement; section number; township name or number; municipality, county, or state name; range number or meridian; certified survey map number; or subdivision or condominium name.

(b) The addition, correction, or clarification of information other than a legal description, including any of the following information:

V. Wisconsin Notes

E. Correction Instrument

2. Subdivision plat, Certified survey map

Wis Stat 236.02(2m) "Correction instrument" means an instrument drafted by a professional land surveyor that complies with the requirements of s. 236.295 and that, upon recording, corrects a subdivision plat or a certified survey map.

3. Condominiums

Wis Stat 703.02(6m) "Correction instrument" means an instrument drafted by a professional land surveyor that, upon recording, corrects an error in a condominium plat. "Correction instrument" does not include an instrument of conveyance.

VI Continuing Education

Wis Admin Code A-E 10

≥20 hrs every 2 years

Minimum of 2 hours each in

- Wisconsin statutes and rules that regulate professional land surveyors and surveys.
- Professional conduct and ethics.
- Professional land surveying or related sciences.

Admin Code A-E 10.03(2)

Acceptable learning formats

Admin Code A-E 10.04(2)

Education providers
