

Wisconsin Department of Transportation
Division of Transportation System Development
North Central Region Rhinelander Office
510 N. Hanson Lake Road
Rhinelander, WI 54501-9434

Governor Tony Evers
Secretary Craig Thompson
wisconsin.gov
Phone: (715) 365-3490
FAX: (715) 365-5780
Email: ncr.dtsd@dot.wi.gov



5 May 2023

| |
|------------------------------|
| MAP # L3353 |
| DATE FILED 6-5-2023 |
| BY CH |
| DESCRIPTION FILED |
| ONEIDA CO. SURVEYOR'S OFFICE |

Sara Chiamulera
Land Information Director
Oneida County, Wisconsin
P.O. Box 400
Rhinelander WI 54501 -0400

Hello Director,

You have a survey map # B 5000⁹ done by Jim Will of EagleLandmark Surveying done in 2001, that needs to have a correction noted.

Robert Sirota and James Sirota had a "40" split between them. This triggered a review by DOT and highway setbacks of 50' were to be imposed as well as access control.

Since both brothers were involved, a conceptual map was obtained, filed as # B5000⁹, showing the highway setback on all their properties.

However; James Sirota indicated that he wanted to place a commercial sign in the proposed setback area and we said, if he got it in before signing the DOT paperwork, it would be "grandfathered" in. He never got back to us and the setback on his properties never occurred.

This is to note that while Robert Sirota's properties had the access control & highway setback imposed, James Sirota's properties did not have the restrictions imposed.

Because of the court cases, stating that DOT didn't have proper authority to impose the setback restriction, except on state plat subdivisions, DOT has rescinded the setback restriction as noted on Document # 842759, Oneida County Records

Sincerely,

Bob Winat

Robert H. Winat Planning Technician
Division of Transportation System Development
North Central Region Rhinelander Office
715-365-5796 robert.winat@dot.wi.gov

Encl: Oneida County Surveyor map # B5000⁹ Document # 842759 Oneida Co. records
Cc: Robert & James Sirota Town of Sugar Camp Oneida Co. Planning & Zoning

D.O.T. Highway Setback Line Restrictions

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, drainage, well, 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.

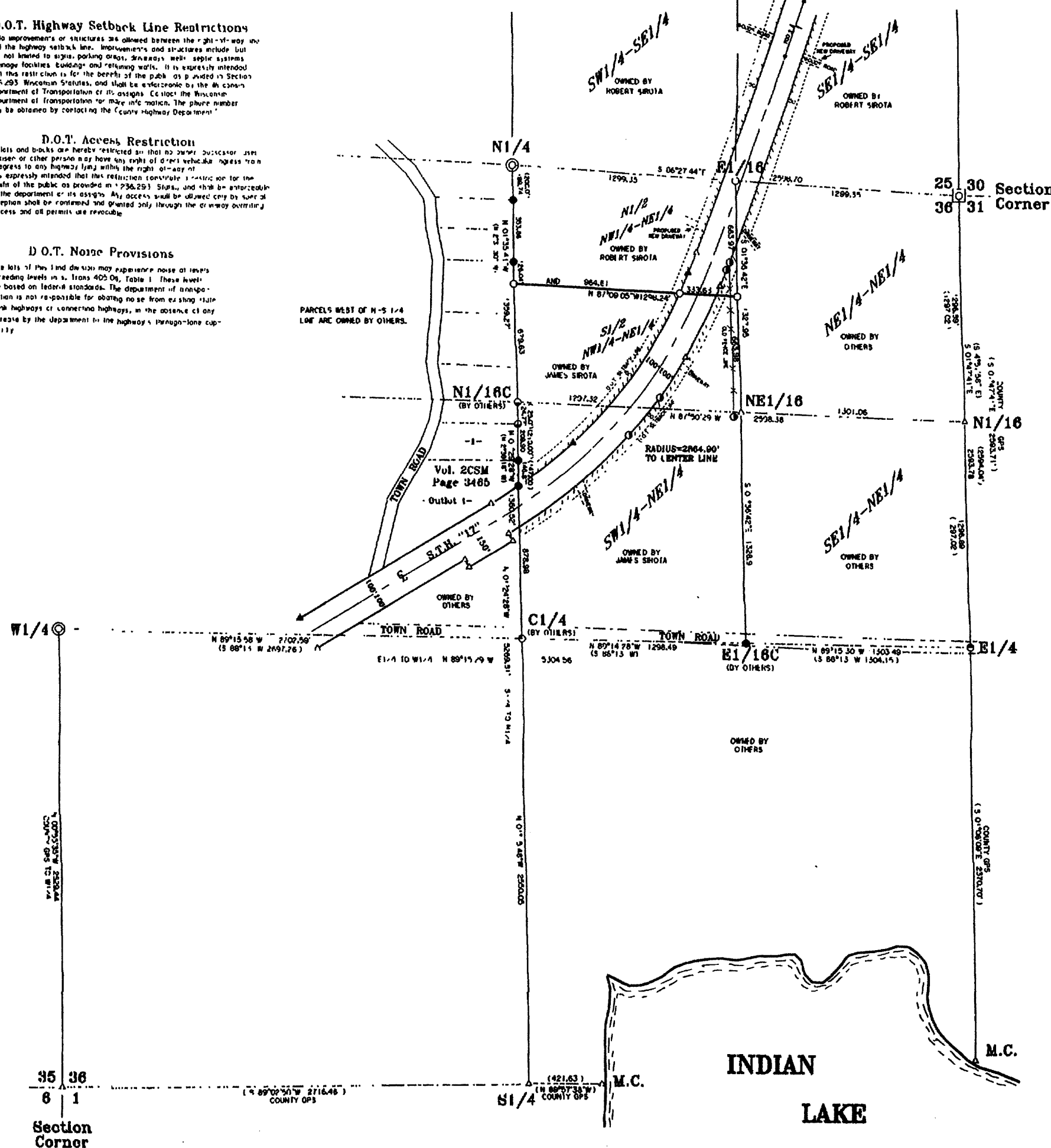
D.O.T. Access Restriction

All lots and blocks are hereby restricted so that no person, business, user, licensee or other person may have any right of direct vehicular access from or across any highway lying within the right-of-way of it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in Wisconsin Statutes, and shall be enforceable by the department or its assigns. Any access shall be allowed only by special exception shall be continued and granted only through the driveway permitting access and all permits are revocable.

D.O.T. Noise Provisions

The lots of this land division may experience noise at levels exceeding levels in s. Trans 405.06, Table 1. 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 request by the department for the highway through-lane facility.

BEARINGS ARE BASED ON ONEIDA COUNTY GPS BEARING BETWEEN THE NW1/4 AND THE NORTHEAST SECTION CORNER OF SECTION 36. THE PURPOSE OF THIS SURVEY WAS TO RUN THE DIVIDING LINE BETWEEN THE NW1/4 AND SE1/4 OF THE NW1/4-NE1/4.



Being a Part of the
NW1/4-NE1/4
Section 36
T 39 N, R 9 E
Township of Sugar Camp
Oneida County, Wisconsin

SURVEYOR'S CERTIFICATE

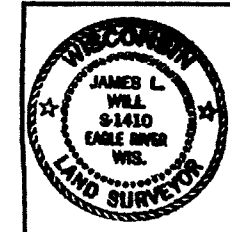
I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LANDS SHOWN HEREON AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY AND MAP IS A TRUE AND CORRECT REPRESENTATION THEREOF, AND THAT I HAVE COMPLIED WITH THE APPLICABLE REQUIREMENTS OF CHAPTER A 7 OF THE WISCONSIN ADMINISTRATIVE CODE, MINIMUM STANDARDS FOR PROPERTY SURVEYS

DATED AND 7TH DAY OF DECEMBER, 2001
REVISED 11-2002 (AIRWAY CHANGES)
James L. Will
JAMES L. WILL, RLS #1410

-LEGEND-

- ACCESS RESTRICTED- SEE NOTE
- IRON PIPE AS SHOWN ON MMAT SURVEY, FILE #0255
- BEARING AND DISTANCE OF RECORD
- ONEIDA COUNTY ALUMINUM MONUMENT SET
- RPCC IRON PIPE WITH PLATE ON TOP FOUND IN PLACE
- RAILROAD SPIKE FOUND IN PLACE
- 1" IRON PIPE FOUND IN PLACE
- 1-1/4" IRON PIPE FOUND IN PLACE
- 2" IRON PIPE FOUND IN PLACE
- 1 IRON PIPE SET
- D.O.T. R/W MARKER
- COMPUTED POSITION

MAP # **B5009**
DATE FILED **MAY 17 2002**
BY *[Signature]*
DESCRIPTION FILED
ONEIDA CO. SURVEYOR'S OFFICE



SURVEY FOR
ROBERT SIROTA
N9164 BREZY POINT ROAD
FOX LAKE, WI 53933
SCALE 1"=400' DATE 12-07-2001 DRAWN BY JLW
DWG. NO. **E2099** Eagle Landmark Surveying, Inc. EAGLE RIVER, WI

COPY

**CORRECTION INSTRUMENT
RESCISSION OF TRANS 233 RESTRICTION**

As required by Wis. Statutes Chapter 236.293 and 236.295, I, Affiant, Jeffrey T. Brock, Professional Land Surveyor # 2642, hereby certify that Access Covenant & Setback Restriction Document, recorded as Document #555919, Oneida County Records, being the SW ¼ -SE ¼, the SE ¼- SE ¼, Section 25 and the North ½ of the NW ¼ -NW ¼, Section 36, Township 39 North, Range 09 East, Town of Sugar Camp, Oneida County, Wisconsin, was recorded on the 24th day of July, 2002. That said document has a restriction of a state highway setback of 50' inscribed upon it.

That Robert E. Sirota, owner of these properties, has requested that the state highway setback restriction of 50' be rescinded. See attached written request and ownership document as Exhibit # 1.

That the Wis. Dept. of Transportation approved of this land division and gave it a Trans 233 file # of 289-2. In 2005 & 2009 Wis. Courts have ruled that the imposition was improper. See attached Exhibit # 2.

Therefore; the Department has reviewed this request and finds it to be allowable and so rescinds the restriction as requested, provided that the local town board and county agency under Chapter 236.45 so agree.

Michael B. Wendt

Michael B. Wendt, Deputy Regional Director
North Central Region Wis. Depart. of Transportation

ACKNOWLEDGEMENT

State of Wisconsin
Oneida County

Subscribed to and sworn(or affirmed)
before me this 19th day of April 2023.

Michael B. Wendt, Deputy Regional Director,
And Jeffrey T. Brock, P.L.S.# 2642 signed
this document.

Alyssia Alsteen
Alyssia Alsteen name
Notary Public, State of Wisconsin
My commission expires 2-4-2024.

I, Jeffrey T. Brock, PLS # 2642,
acknowledge that this change has been all
submitted and reviewed by the proper
authorities all to the best of my knowledge
and belief.

Jeffrey T. Brock
Dated this 19th day of April 2023.

This instrument drafted by the Wisconsin Department of Transportation

Doc No: 842759

Recorded on

5/4/2023 10:50 AM

KYLE J FRANSON

REGISTER OF DEEDS

ONEIDA COUNTY, WI

Fee Amount: \$30.00

Pages: 10

This document has been electronically
recorded

Return to:

Wisconsin Department of Transportation

North Central Region, Rhinelander Office

510 N. Hanson Lake Road

Rhinelander, WI 54501-9434

Parcel Identification Number or Tax Key Number

SU 867 SU 868 SU 1017

As required by Chap.236.295(2)

RESOLUTION

3-2023

Resolved: That the Town of Sugar Camp approves of
the rescission requested and agrees with the Wis.
Dept. of Transportation's decision to rescind the state
highway setback restriction for the Robert E. Sirota
property.

Scott Holewinski
Scott Holewinski, Town Chairman

I, Lauren Sowinski, Town Clerk, certify that
Resolution # *3-2023* was passed by the Town
Board at their meeting on the 18th day of April 2023.

Lauren Sowinski

COUNTY NON- OBJECTION

The Planning & Zoning Department of Oneida County
has no objection to this rescission of the state
highway setback by the Wisconsin Department of
Transportation.

Karl Jennrich
Karl Jennrich, Zoning Director
Dated this *2nd* day of *May*, 2023.



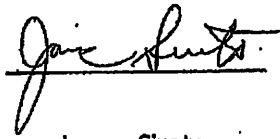
COPY

March 1 2023

Trans 233 Recission

Robert Winat - DOT

Please rescind highway setback line restriction for parcels SU 1018, SU 1017, SU 1017-1, SU 867, SU 868 in the Town of Sugar Camp, Oneida County.



James Sirota



Robert Sirota

EXHIBIT # 1

DOCUMENT NO
420009

STATE BAR OF WISCONSIN - FORM 3
QUIT CLAIM DEED
THIS SPACE RESERVED FOR RECORDING DATA

BY THIS DEED, WALTER R. OZART and PERCIL W. OZART, his wife

Grantor

quit-claims to ROBERT-SIROTA, of Fox Lake, WI

Grantee, for a valuable consideration

the following described real estate in Oneida County, State of Wisconsin

ONEIDA COUNTY, WIS.

Received for Record the 14th day of July A.D. 1993
of 716 of Book 2 and Recorded in
Vol. 703 of RECORDS on page 733
Thomas H. Laughlin
REGISTER OF DEEDS
FEB 10 1993

RETURN TO

Tax Key 54-868
This is NOT homestead property.

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 25, Township 39 North, Range 9 East, containing 40 acres except for portion presently used for public highway (Highway 17) purposes.

GRANSEER
\$ 93.50
FEB

Executed at Carrollton, Texas this 24 day of June, 1993.

SIGNED AND SEALED IN PRESENCE OF

Theodore A. Lapka
THEODORE A. LAPKA

Walter R. Ozart (SEAL)
Walter R. Ozart
Percil W. Ozart (SEAL)
Percil W. Ozart (SEAL)
(SEAL)

Signatures of _____

authenticated this _____ day of _____, 19____.

Title: _____ or Other Party
Authorized under Sec. 706.05 Wis.

TEXAS
STATE OF _____
Denton County, } as.

Personally came before me, this 24 day of June, 1993,
the above named Walter R. Ozart and Percil W. Ozart, his wife

to me known to be the person S who executed the foregoing instrument and acknowledged it to be mine.

This instrument was drafted by
Atty. Theodore A. Lapka #300
20180 Governors Hwy
Olympia Fields, IL 60461

The use of witnesses is optional.

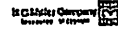
Vol 0703 PAGE 733



Notary Public Denton County, Texas

My Commission (Expires) (Is) 1-6-96

Names of persons signing in any capacity should be typed or printed below their signatures.



477286

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

DOCUMENT NO.

ONEIDA COUNTY, WIS.

Received for Record the 9th
day of Dec A.D. 19 97
1155 words 2 sheets recorded in
Vol. 856 of RECORDS on page 770

Thomas H. Feighlin
REGISTER OF DEEDS
10-

JAMES SIROTA, of Eagle River, WI, an undivided 50%
interest, and ROBERT SIROTA, of Fox Lake, WI, an
undivided 50% interest
quit-claims to ROBERT SIROTA

the following described real estate in ONEIDA County,
State of Wisconsin:

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, Township 39 North
Range 9 East.
EXCEPT that part used for Highway Purposes by
conveyance dated April 14, 1952, recorded April 16, 1952
in Volume 187 of Deeds, page 219, Document #150408.

SU-867
PARCEL IDENTIFICATION NUMBER

FEE
#77.25 (5)
EXEMPT

This is not homestead property.
(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

Dated this 17th day of NOVEMBER, 19 97

Robert Sirota (SEAL)
• ROBERT SIROTA

(SEAL)
• _____

James Sirota (SEAL)
• JAMES SIROTA

(SEAL)
• _____

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19 _____

ACKNOWLEDGMENT

State of Wisconsin, } ss.
Vilas County }
Personally came before me this 28th day of
November, 19 97, the above named
James Sirota
Robert Sirota

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by 8706.01, Wis. Stats.)

to me known to be the person S who executed the foregoing
instrument and acknowledge the same.

JANET C. Zupar
• Janet C. Zupar
Notary Public, Vilas County, Wis.
My commission is permanent. (If not, state expiration date:
10-11-1998)

THIS INSTRUMENT WAS DRAFTED BY
JAMES SIROTA
7590 HWY 17 S., Eagle River, WI 54521

(Signatures may be authenticated or acknowledged. Both are not
necessary.)

477287

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

ONEIDA COUNTY, WIS.

Received for Record this 9th
day of Dec. A.D. 19 97
11:56 o'clock a. M. and Recorded in
Vol. 856 of RECORDS on page 771

Thomas N. Leighton
REGISTER OF DEEDS
10-

JAMES SIROTA, of Eagle River, WI, an undivided 50%
interest, and ROBERT SIROTA, of Fox Lake, WI, an
undivided 50% interest
quit-claims to JAMES SIROTA

the following described real estate in ONEIDA County,
State of Wisconsin:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 36, Township 39 North of
Range 9 East.

EXCEPT that part used for Highway Purposes by
conveyance dated April 14, 1952, recorded April 16, 1952
in Volume 187 of Deeds, page 219, Document #150408.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

SU-1018

PARCEL IDENTIFICATION NUMBER

FEE
\$77.25 (5)
EXEMPT

This is not homestead property.
(is) (is not)

Dated this 17th day of NOVEMBER, 19 97

Robert Sirota (SEAL)
* ROBERT SIROTA

(SEAL)
*

James Sirota (SEAL)
* JAMES SIROTA

(SEAL)
*

AUTHENTICATION

Signature(s) _____

ACKNOWLEDGMENT

State of Wisconsin,

Vilas County, WI } ss.

545571

Document Number

STATE BAR OF WISCONSIN FORM 3 - 1999
QUIT CLAIM DEED

RECEIVED
ONEIDA COUNTY, WIS.

'02 JAN 10 PM 1 26

This Deed, made between Robert Sirota

Grantor, and James Sirota

Grantee.

Grantor quit claims to Grantee the following described real estate in Oneida County, State of Wisconsin (if more space is needed, please attach addendum):

The South 1/2 of the NW 1/4 of the NE 1/4 of Section 36, T39N, R9E, Oneida County, Wisconsin.

This deed is one of two deeds being exchanged between the grantor and grantee partitioning the NW 1/4 of the NE 1/4 of Section 36, T39N, R9E, pursuant to the judgment entered in Oneida County Circuit Court Case No. 01-CV-135.

SEE
#77.25 (51)
EXEMPT

COPY

Recording Area

Name and Return Address

SU-1017

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Together with all appurtenant rights, title and interests.

Dated this _____ day of _____, 2001

Robert Sirota 28 Nov 2001

* Robert Sirota

AUTHENTICATION

Signature(s) _____

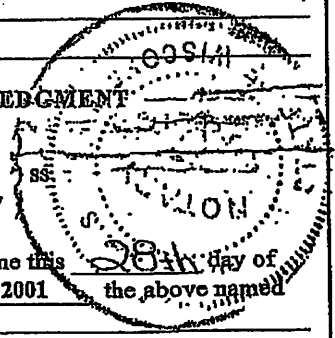
authenticated this _____ day of _____

ACKNOWLEDGMENT

STATE OF WISCONSIN

Dodge County

Personally came before me this 28th day of November, 2001 the above named Robert Sirota



TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
William A. Schroeder
As per description furnished.

(Signatures may be authenticated or acknowledged. Both are not necessary.)

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* James Waas
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date:
08 June, 2003)

* Names of persons signing in any capacity must be typed or printed below their signature.

STATE BAR OF WISCONSIN FORM 3 - 1999
QUIT CLAIM DEED

Document Number _____

This Deed, made between James Sirota

Grantor, and Robert Sirota

Grantee.

Grantor quit claims to Grantee the following described real estate in
Oneida County, State of Wisconsin (if more space is

needed, please attach addendum):

The North 1/2 of the NW 1/4 of the NE 1/4 of Section 36, T39N, R9E, Oneida
County, Wisconsin.

This deed is one of two deeds being exchanged between the grantor and grantee
partitioning the NW 1/4 of the NE 1/4 of Section 36, T39N, R9E pursuant to the
judgment entered in Oneida County Circuit Court Case No. 01-CV-135.

Recording Area _____

Name and Return Address _____

SU-1017-- §

Parcel Identification Number (PIN)

This _____ homestead property.
(is) (is not)

Together with all appurtenant rights, title and interests.

Dated this _____ day of _____, 2001.

*

* James Sirota

*

*

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN)
) ss.
Vilas County)

authenticated this _____ day of _____,

Personally came before me this _____ day of
_____, 2001 the above named

James Sirota

*

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by § 706.06, Wis. Stats.)

to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

THIS INSTRUMENT WAS DRAFTED BY

William A. Schroeder

As per description furnished.

*
Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date:
_____.)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

* Names of persons signing in any capacity must be typed or printed below their signature.

Information Professionals Company, Fond du Lac, WI
800-655-2021

Document Number
ACCESS COVENANT & SETBACK RESTRICTION

Wisconsin Department of Transportation
 Section Trans 233.04(2), Wis. Admin. Code

DOC# 555919

Recorded
 JULY 24, 2002 AT 10:47AM

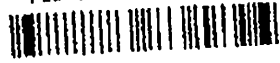
2

In order to further the orderly layout and use of land; to lessen congestion in the streets and highways; to provide for proper ingress and egress; and for the purpose of providing for the safety of travel upon and entrance into and departure from the state trunk highway designated as, STH 17 all in accordance with the provisions of Chapter 236, Wisconsin Statutes, and the rules and regulations governing Land Sub-division Plats Abutting State Trunk Highways and Connecting Highways, Chapter Trans 233.04 Wisconsin Administrative Code, the undersigned owner of the lands described as: the North 1/2 of the NW 1/4 of the NE 1/4, Section 36, as described in Docu. # 544660, Vol 1087, Pg. 684, Oneida County Records and the SW 1/4 of the SE 1/4, SE 1/4 of the SE 1/4, Section 25, all in Township 39, North, Range 9 East, Town of Sugar Camp, Oneida County, Wisconsin
 (See Exhibit #1)

hereby covenant and agree as follows:

- (1) Restricted vehicular access between the above described lands and STH 17 shall be allowed. Three special exceptions (Residential Driveways) allowed.
- (2) The highway setback line, is 50 feet from the present right-of-way line, (no new structures allowed).
- (3) It is expressly agreed by the undersigned owner(s) that these covenants & restriction shall run with the land and shall forever bind themselves, their heirs, administrators, executors, and assigns until said covenant and restriction or any part thereof are released in writing by the Department of Transportation or successors or assigns.

Thomas H. Leighton

THOMAS H LEIGHTON
 RECEIVED
 ONEIDA COUNTY, WI
 Fee Amount: \$13.00


Return to:
 Wisconsin Dept. of Transportation
 PO Box 777
 Rhinelander, WI 54501
 Attn: Robert H. Winal

Parcel Identification Number Tax Key
 SU 887, SU 888, SU 1017

RESCIND SETBACK

Robert E. Sirola
 (owner's signature)

ROBERT E. SIROLA
 Robert E. Sirola

 (owner's signature)

18 July 02
 Date

State of Wisconsin
 Dodge County

On the above date, this instrument was acknowledged before me by above-named person(s) or officers

Janele W. ...
 (Signature, Notary Public, State of Wisconsin)

Janele W. ...
 (Print or Type name, Notary public, State of Wisconsin)

The Department of Transportation has reviewed this access according to Trans 233, Wisconsin Administrative Code, and so approves.
 WisDOT File #269-2 Sub # 6-128

EXHIBIT # 2

This Instrument was drafted by the Department of Transportation

The SW 1/4 of the SE 1/4
 and the SE 1/4 of the SE 1/4,
 Section 25, and the
 North 1/2 of the NW 1/4 of the NE 1/4,
 Section 36,
 Township 39 North, Range 9 East,
 Town of Sugar Camp, Oneida Co., Wis.

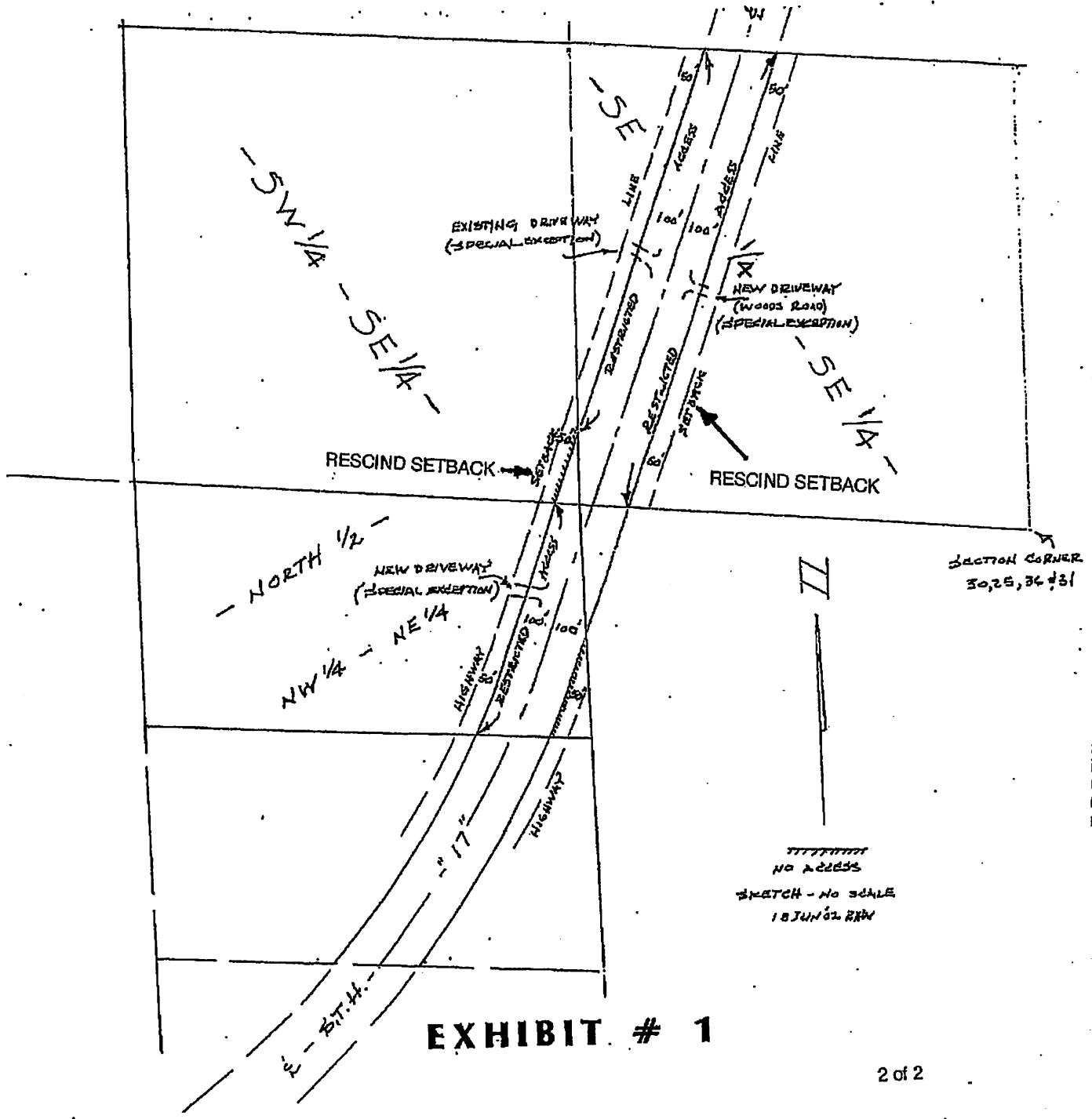


EXHIBIT # 1

236.28 PLATTING LANDS

streets and alleys abutting such lots and belonging to the grantor unless the grantor by appropriate language indicates an intention to reserve or except them from the conveyance.

History: 1971 c. 41 s. 11; 1983 a. 189 s. 329 (26).

One who buys lots with reference to a plat that shows certain ways in common, is entitled to the use, with the other lot owners, 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 by the owner 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, and the original proprietors and their grantees are estopped to deny the legal existence of such rights of ingress and egress. *Schimnells v. Noardover*, 2006 WI App 7, 288 Wis. 2d 790, 709 N.W.2d 466, 04–2794.

236.29 Dedications. (1) **EFFECT OF RECORDING ON DEDICATIONS.** When any plat is certified, signed, acknowledged and recorded as prescribed in this chapter, every donation or grant to the public or any person, society or corporation marked or noted as such on said plat shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted, and shall be considered a general warranty against such donors, their heirs and assigns to the said donees for their use for the purposes therein expressed and no other; and the land intended for the streets, alleys, ways, commons or other public uses as designated on said plat shall be held by the town, city or village in which such plat is situated in trust to and for such uses and purposes.

(2) **DEDICATIONS TO PUBLIC ACCEPTED BY APPROVAL.** When a final plat of a subdivision has been approved by the governing body of the municipality or town in which the subdivision is located and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications.

(3) **MUNICIPALITY MAY LEASE TO A SUBDIVISION ASSOCIATION LAND ACCEPTED FOR PARK.** The municipality or town in which the accepted subdivision is located may lease to a subdivision association any part of the subdivision intended for park purposes where such part has never been improved nor work done thereon nor funds expended therefor by the governing body, but such lease shall not exceed 10 years and shall only be for park improvement purposes.

(4) **ACCEPTANCE OF STORM WATER FACILITIES DEDICATED TO PUBLIC.** Notwithstanding sub. (2), unless an earlier date is agreed to by the municipality, the dedication of any lands within a plat of a subdivision located within a municipality that are intended to include a permanent man-made facility designed for reducing the quantity or quality impacts of storm water runoff from more than one lot and that are shown on the plat as "Dedicated to the Public for Storm Water Management Purposes" is not accepted until at least 80 percent of the lots in the subdivision have been sold and a professional engineer registered under ch. 443 has certified to the municipality that all of the following conditions are met with respect to the facility:

(a) The facility is functioning properly in accordance with the plans and specifications of the municipality.

(b) Any required plantings are adequate, well-established, and reasonably free of invasive species.

(c) Any necessary maintenance, including removal of construction sediment, has been properly performed.

History: 2007 a. 44.

A complaint against plat subdividers by a city set forth a cause of action with respect to costs incurred by the city in moving a tower and requiring a right-of-way when the plat of 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. *Kenosha v. Ghysels*, 46 Wis. 2d 418, 175 N.W.2d 223 (1970).

While sub. (1) provides that "every donation or grant to the public ... marked or noted as such on [a properly recorded] plat shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted," statutory dedication requires compliance with statutory procedure. For the state to rely on sub. (1) to convey property via a certified survey map (CSM) that marked a parcel as a dedication, the property first has to be properly dedicated in accordance with s. 236.34 (1m) (e). Under that statute, the city council or village or town board involved must have approved the dedication. As no governmental board involved in the development in this case approved any road dedication or land grant for inclusion in the CSM, the CSM lacked the force and effect required to convey the property to the state. *Samers*

Updated 19–20 Wis. Stats. 10

USA, LLC v. Department of Transportation, 2015 WI App 33, 361 Wis. 2d 807, 864 N.W.2d 114, 14–1092.

236.292 Certain restrictions void. (1) All restrictions on platted land that interfere with the development of the ice age trail under s. 23.17 are void.

(2) All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, as defined in s. 13.43 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1) (m), are void.

History: 1991 a. 39; 1993 a. 414; 1999 a. 150 s. 672.

236.293 Restrictions for public benefit. Any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body or which names a public body or public utility as grantee, promises or beneficiary, vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement.

History: 1979 c. 248.

The hidden dangers of placing easements on plats. *Ishikawa*, WBB Apr. 1988.

236.295 Correction instruments. (1) Correction instruments shall be recorded in the office of the register of deeds in the county in which the plat or certified survey map is recorded and may include any of the following:

(a) Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names, or other details shown on a recorded plat or certified survey map. A correction instrument may not be used to reconfigure lots or outlots.

(b) Ratifications of a recorded plat or certified survey map signed and acknowledged in accordance with ch. 140.

(c) Certificates of owners and mortgagees of record at time of recording.

(2) (a) Each affidavit in sub. (1) (a) correcting a plat or certified survey map that changes areas dedicated to the public or restrictions for the public benefit must 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 include on the plat or certified survey map a notation of the document number of the affidavit or instrument and, if the affidavit or instrument is assigned a volume and page number, the volume and page where the affidavit or instrument is recorded. The record of the affidavit or instrument, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit or instrument.

(b) Notwithstanding par. (a), in a county that maintains a tract index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract index to the plat or certified survey map.

History: 1971 c. 41 s. 11; 1979 c. 248; 1999 a. 85; 2001 a. 16; 2005 a. 41; 2017 a. 102; 2019 a. 125.

This section does not apply to assessors plats. 61 Atty. Gen. 25.

SUBCHAPTER VI

PENALTIES AND REMEDIES

236.30 Forfeiture for improper recording. Any person causing his or her final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time prescribed after approval, shall forfeit not less than \$100, nor more than \$1,000 to each municipality, town or county wherein such final plat should have been submitted.

History: 1979 c. 248 s. 25 (5).

236.31 Penalties and remedies for transfer of lots without recorded plat. (1) Any subdivider or the subdivider's agent who offers or contracts to convey, or conveys, any subdivision as defined in s. 236.02 (12) or lot or parcel which lies in a sub-