

(a) “Land information” has the meaning given in s. 16.967 (1) (b).

(am) “Land information system” has the meaning given in s. 16.967 (1) (c).

(b) “Land records” has the meaning given in s. 16.967 (1) (d).

(c) “Local governmental unit” means a municipality, regional planning commission, special purpose district or local governmental association, authority, board, commission, department, independent agency, institution or office.

(3) LAND INFORMATION OFFICE. The board may establish a county land information office or may direct that the functions and duties of the office be performed by an existing department, board, commission, agency, institution, authority, or office. If the board establishes a county land information office, the office shall:

(a) Coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among local governmental units, the federal government and the private sector.

(b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. The plan shall be submitted for approval to the land information board under s. 16.967 (3) (e).

(c) Review and recommend projects from local governmental units for grants from the land information board under s. 16.967 (7).

(4) AID TO COUNTIES. A board that has established a land information office under sub. (3) may apply to the land information board for a grant for a land information project under s. 16.967 (7).

(5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each month a register of deeds shall submit to the land information board \$7 from the fee for recording the first page of each instrument that is recorded under s. 59.43 (2) (ag) 1. and (e), less any amount retained by the county under par. (b).

(b) A county may retain \$5 of the \$7 submitted under par. (a) from the fee for recording the first page of each instrument that is recorded under s. 59.43 (2) (ag) 1. and (e) if all of the following conditions are met:

1. The county has established a land information office under sub. (3).

2. A land information office has been established for less than 2 years or has received approval for a countywide plan for land records modernization under sub. (3) (b).

3. The county uses \$4 of each \$5 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization, and \$1 of each \$5 fee retained under this paragraph to develop and maintain a computerized indexing of the county’s land information records relating to housing, including the housing element of the county’s land use plan under s. 66.1001 (2) (b), in a manner that would allow for greater public access via the Internet.

NOTE: This section is affected eff. 9–1–03 by 1997 Wis. Act 27 and 2001 Wis. Acts 16 and 104 to read:

**59.72 Land information. (1) DEFINITIONS. In this section:**

(a) “Land information” means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this state. “Land information” includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restriction, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

(b) “Land records” means maps, documents, computer files and any other storage medium in which land information is recorded.

(c) “Local governmental unit” means a municipality, regional planning commission, special purpose district or local governmental association, authority, board, commission, department, independent agency, institution or office.

(3) LAND INFORMATION OFFICE. The board may establish a separate county land information office or may direct that an office be established within an existing department, board, commission, agency, institution, authority or office. If the board establishes a county land information office, the office shall coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units and among

local governmental units, the federal government and the private sector. If the board establishes a land information office, the board shall, within 2 years after the land information office is established, develop a countywide plan for land records modernization.

(5) LAND RECORD MODERNIZATION FUNDING. A county which establishes a land information office shall use \$4 of the \$8 per page received under s. 59.43 (2) (ag) 1. and (e) to develop, implement and maintain a countywide plan for land records modernization.

History: 1989 a. 31, 339; 1995 a. 201 s. 457; Stats. 1995 s. 59.72; 1997 a. 27; 2001 a. 16, 104.

### 59.73 Surveys; expressing bearings, subdividing sections. (1) HOW BEARINGS EXPRESSED IN SURVEYS. In all surveys the bearings shall be expressed with reference to a magnetic, true or other identifiable line of the public land survey, recorded and filed subdivision or to the Wisconsin coordinate system. In all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and if magnetic must be retracable and identifiable by reference to a monumented line.

(2) SUBDIVIDING SECTIONS. Whenever a surveyor is required to subdivide a section or smaller subdivision of land established by the United States survey, the surveyor shall proceed according to the statutes of the United States and the rules and regulations made by the secretary of the interior in conformity to the federal statutes. While so engaged a surveyor and the surveyor’s assistants shall not be liable as a trespasser and shall be liable only for any actual damage done to land or property.

History: 1995 a. 201 ss. 393, 394, 421; 1999 a. 96.  
The exemption from liability for trespass in sub (2) did not prevent the DNR from issuing a citation against a surveyor for violating an administrative rule prohibiting operating vehicles on park land. DNR v. Bowden, 2002 WI App 129, \_\_\_ Wis. 2d \_\_\_, 647 N.W.2d 865.

Resurveys of public lands are discussed. United States v. Citko, 517 F. Supp. 233 (1981).

### 59.74 Perpetuation of section corners, landmarks. (1) RELOCATION AND PERPETUATION OF SECTION CORNERS AND DIVISION LINES. (a) If a majority of all the resident landowners in any section of land within this state desire to establish, relocate or perpetuate any section or other corner of any section, or in the same section a division line of the section, they may make a formal application in writing to the circuit judge for the county in which the land is situated. The circuit judge shall file the application in his or her court and shall within a reasonable time give at least 10 days’ notice in writing to the owners of all adjoining lands, if those owners reside in the county where the land is situated and if not, by publication of a class 3 notice, under ch. 985, stating the day and hour when the circuit judge will consider and pass upon such application. The circuit judge shall hear all interested parties and approve or reject the application at that time. If the application is approved, the clerk shall notify the county surveyor who shall within a reasonable time proceed to make the required survey and location. If a corner is to be perpetuated, the surveyor shall deposit in the proper place a stone or other equally durable material of the dimensions and in the manner and with the markings provided under s. 60.84 (3) (c), and shall also erect witness monuments as provided under sub. (2). The surveyor shall be paid the cost of the perpetuation from the general fund of the county.

(b) All expense and cost of the publication of the notice and of the survey and perpetuation shall be apportioned by the clerk among the several parcels of land in the section upon the basis of the area surveyed, shall be included by the clerk in the next tax roll and shall be collected in the same manner as other taxes are collected.

(2) PERPETUATION OF LANDMARKS. (a) 1. No landmark, monument, corner post of the government survey or survey made by the county surveyor or survey of public record may be destroyed, removed, or covered by any material that will make the landmark, monument, or corner post inaccessible for use, without first having erected witness or reference monuments as provided in subd. 2. for the purpose of identifying the location of the landmark and making a certified copy of the field notes of the survey setting forth all the particulars of the location of the landmark with relation to the reference or witness monuments so that its location can