

Official Mapping, Ch. 62.23(6), 61.35, 60.10(2)c

What is it?

State statutes permit cities, villages and towns to prepare official mapping. This mapping is intended to serve as a formal public record to indicate where the government unit is likely to require right-of-way, easements, or land for future roads, drainageways, utilities, recreation facilities, etc. This enables landowners to plan future construction to avoid costly removal of structures later when a public facility identified on the official map is built through or near their properties.

Official mapping is also an excellent way to implement recommendations made in a land use or comprehensive plan. Further, it ensures new developments will be linked to existing and future street extensions and connections in a planned manner. Finally, when paired with careful building code administration, it reduces land acquisition costs to government units by virtually ensuring that critical land segments will remain unimproved by private landowners.

What is the broad administrative process to initiate official mapping?

The local government unit may by ordinance or resolution establish an official map of its territory or any part thereof showing with survey accuracy the streets, highways, utility corridors, drainageways, historic districts, parks and playgrounds laid out, adopted and established by law. The location of railroad rights-of-way, waterways, airports, and public transit facilities may also be shown on the map. The initial adoption typically maps existing features and may be done without a public hearing. Subsequently amended maps show proposed features and require plan commission review and a public hearing prior to adoption. (Changes or additions made by an approved subdivision plat do not require the public hearing if the changes or additions do not affect any land outside the platted area.)

The ordinance or resolution shall require the city/village/town clerk at once to record with the County Register of Deeds a certificate showing that the city/village/town has established an official map.

How "rigid" is a government unit's official mapping?

The map must be conclusive in regard to the location, width, and extent of anticipated facilities. However, there is no requirement to establish a timeline for construction nor is there any guarantee required that the facility will actually be built. Further, the statute does provide an amendment procedure for changing the location, width, or extent of a mapped facility.

Can streets and utilities be constructed that are not on an adopted official map?

In any city/village/town that has established an official map, no public sewer or other municipal street utility or improvement shall be constructed in any street until such street is duly placed on the official map. Further, no permit for the erection of any building shall be issued unless a street giving access to such proposed structure has been duly placed on the official map. These provisions are helpful in controlling "sprawl" in the outlying rural-urban fringe areas.

Once an official map is in place, a community puts itself under a constraint. Only improvement projects already on the map can move forward. Therefore, most communities will

want to make sure their map is as complete as possible. It is permissible for a community to create an official map that covers only certain improvements or is limited to a certain part of the community, but any unmapped improvements cannot move forward without first being put on the map, which requires a map amendment process. Being constrained in this way by an official map is often a positive growth management strategy, but some communities accustomed to doing things more freely might not like such a constraint.

What rights does a landowner have if official mapping proposes a public facility such as a street across private property?

If landowners build improvements in the right-of-way of a facility already identified on the official map, they may have to remove the improvement at their own expense if the public facility is eventually built.

However, if a private improvement already exists on private property and an official map is subsequently created or amended to propose a public facility on said private property that would require the removal (condemnation) of the private improvement, the local government unit must compensate the affected property owner at market value.

Courts have also overturned official mapping that resulted in a landowner losing all use of a single parcel located entirely within an officially mapped street right-of-way.

Whose official mapping prevails when there is a conflict?

Cooperation between government units is essential, since Wisconsin law allows cities/villages to extend their official mapping into their extraterritorial jurisdiction, which includes lands under town control that may also be included in a town's official mapping. (To further complicate the issue, counties and the Wisconsin Department of Transportation can also adopt modified official maps that pertain to transportation facilities: Ch. 80.64, 84.295(10).)

Neither state statute nor case law indicates whether the city/village or town's official mapping would take precedence in the event of a dispute. In order to avoid the uncertainty and cost of a judicial decision in such a case, government units would need to cooperate closely.

What are some ways government units can work together?

1. Examine public facility needs jointly.
2. Provide notice to adjacent municipalities, the county, the RPC, the MPO, and the state, if necessary, regarding the creation of, or amendment to, your official map.
3. Be aware of the existence of official maps in your area and exchange copies with neighbors.
4. Develop your official map concurrently with neighboring municipalities, if possible, to promote consistency and a "region-wide" perspective.

Sources: "Official Mapping Guide" by Southeastern Wisconsin Regional Planning Commission; "Techniques for Cooperating with Jurisdictional Issues" (Draft) by Erich Schmidtke, Municipal Boundary Review - WDOA. Compiled by Kevin Struck, Growth Management Educator, Sheboygan & Washington Counties.