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| --- | --- |
| WisDOT Right-of-Way (or Construction) ID | Preliminary Plat Version (Date) |
| Reviewer |  |

**PRELIMINARY FIELD SURVEY REVIEW**

Utilities are accurately field located

* Review system maps
* Review facility linework that ends abruptly
* Review for pedestals with no facilities in/out
* Review Diggers Hotline ticket for owners that have no facilities shown

Contact Survey/Plat Coordinator immediately if the field survey appears incomplete as additional field work is likely required

**ITEMS NECESSARY FOR A COMPLETE REVIEW**

System maps from project notification process

Previous plats or utility exhibits

* + Review for existing easements
  + Review for previous conveyances
  + Review for utility facilities
  + Review for PLE and LHE

Early acquisition plats, land swaps, and land dedications

* + Review to determine if utility interests or rights in land were acquired

Titlework

* + Easements
  + Easement Assignments
  + QCDs
  + CORs
  + Subdivision Plats
  + CSMs
  + Dedications
  + Land Swaps

Preliminary Plat

* PDF format required
* Best practice may be to use DWG for compensability review

Utility Easement Exhibit

* + **FDM 12-1-5, 5.2** - some of the requirements for the Utility Easement Exhibit
  + Should include previous right of way ID for any previous COR found.
  + Best practice to include tax IDs for all parcels with compensable utilities

**UTILITY INTERESTS REVIEW**

**Depicting Utilities on the Plat**

All required facilities are shown on each individual plat sheet.

* **FDM 12-10-1, 1.2.26** - “Show the entire utility on the plat, when it’s compensable or when any part of the facility is compensable.” Plat in this context means each individual sheet.
* Compensable utilities occupy acquisition areas for Fee, HE, PLE, and TLE. In addition, this may include utilities associated with a previous COR.
* If agreed to by the Region Utility Coordinator (RUC), variations to the above policy may be acceptable on select plats.

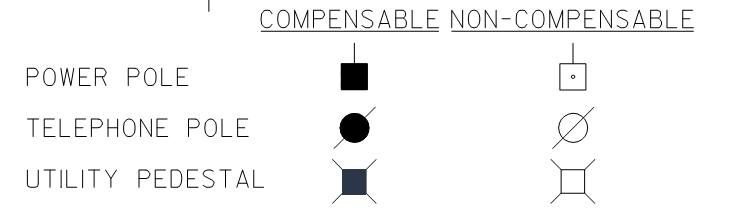
Compensable utility facility owners are identified in the Utility Interests Required table, Utility Interests (or Easements) table, and/or actual facilities. Non-Compensable facility owners must be labeled if the facilities are shown. The owner identification may use one or more of the following formats:

* + DBA Name
  + Legal Name
  + Legal Name and DBA Name

Compensable and Non-Compensable utility facilities are displayed correctly per FDM

**FDM 12-10-1, 1.2.26** - “Solid symbols shall be used for compensable utility facilities.

Power pole, telephone pole, and utility pedestal symbols are used appropriately



Location of poles, underground facilities, pedestals, hydrants, valves, and sanitary manholes are exaggerated to clearly demonstrate compensability

* **WGUC 8.3** - “If a pole or pedestal has been accurately determined to lie either inside or outside of the new right of way, its position on the plat should be slightly exaggerated to clearly demonstrate whether or not the facility is compensable. NOTE: The center of the pole or pedestal is used to determine compensability.”

-OH- used only if needed to differentiate between two different owners or if it creates no clutter

* **WGUC 8.3** - “Overhead lines are usually not shown.”
* Best practice is to show the overhead lines until the plat is recorded

**Titlework**

Utility interests and rights in land found in the titlework are depicted on Plat and Utility Easement Exhibit

* + Fee
  + Easements
  + Easement Assignments
  + Real Estate Investment Trusts (REIT)
    - Example
      * Windstream
  + Easement Deed by Court Order
    - Examples
      * AT&T Corp
      * Sprint
      * CenturyLink Communications (formerly Qwest)
      * Level 3 (formerly Williams / Wiltel)
  + Conveyances from previous projects
  + Pre-1960’s QCDs reserving land rights and/or compensation for a utility
  + Long term leases if reviewed and found to be interest or right
  + Easements associated with flowage
    - See “Waterways” under section “Complete Investigation of the Following Items”
  + Trans 233 variances, special exceptions, or unnecessary hardship analysis, sometimes found in: Agreement for Waiver of Damages (DT1989); or Trans 233 Notification to Construct and Operate Utility Facilities Adjacent to Highway Right-of-Way (DT1733)

**Coordination with Utility Facility Owners**

Confirm ownership of utilities shown on preliminary plat

* Not required, but recommended when owner identification is complicated

Confirm if a utility is the successor or assign of a utility easement

* + Not required, but recommended when situation is complicated

Communicate with utility to determine date of utility facility installation if a utility facility is in an acquisition area and an interest or right in land was not found in the titlework

Contact utility to determine if any easements exist that were not found in titlework

* + Not required, but recommended for utilities with a history of unrecorded easements

**Complete Investigations of the Following Items**

Review title page

* + Determine agency that acquiring the land
  + Review definitions of HE, PLE, and TLE

Review list of property owners to determine if any of the following are present as may affect utility interests and rights in land

* + Government
  + Utility
  + Railroad
  + Tribal

Review acquisition type listed for each parcel in the Schedule of Lands & Interests Required

* + New
  + Existing
  + HE
  + PLE
  + TLE

Distribution vs. Service/Guy Poles/Street Lighting/Private Facilities

* + Determine which facilities are services
    - System Maps
    - Services as defined by PSC
      * Electric service starts at transformer
        + Poles with distribution and services are distribution
        + Poles with multiple services are service
      * Telephone/Communication service starts at pedestal
      * Gas service starts at main
      * Water service starts at main
      * Sanitary Sewer service starts at main
      * For facilities to large buildings, factories, etc. contact the RUC. The RUC will escalate to BTS Utility Unit as needed.
  + All non-compensable services are turned off (best practice but not required)
  + Guy poles are only compensable if the primary pole is compensable
    - **WGUC 8.5** - Anchors and guy poles are only compensable if the primary pole is compensable
    - Anchors are turned off (best practice but not required)
  + Street lighting facilities should not be shown as a utility facility
    - Poles with distribution and street light are distribution
  + Private facilities are not shown as a utility facility. Easements associated with these facilities are the responsibility of Real Estate Section to clear. Private utilities include, but are not limited to:
    - Factory communication interconnects
    - School district communication interconnects
    - Hospital communication interconnects
    - Septic
    - Well
    - Irrigation/Sprinklers
    - Parking lot lights
    - Drain tile
    - Manure pipes
    - Landfill leachate lines

Municipal Utilities

* + Evaluate interconnects to determine if it is treated as a municipal or private facility; contact the RUC. The RUC will escalate to BTS Utility Unit as needed.
  + Determine if utility owned by municipality or separate entity
    - Municipality cannot have easements on property they own in Fee
  + Review applicability of Wisconsin statutes when municipal facilities are on fee-owned land of the municipality to evaluate compensability.
    - Contact the RUC. The RUC will escalate to BTS Utility Unit as needed.
  + Discuss any redevelopment authority with BTS Utility Unit

Storm Sewer Facilities

* + Determine if municipality has a Storm Water Utility
    - Perform an internet search of “WI Stormwater User Charge System Information.”
  + Current policy is storm water facilities are not a utility facility. Contact the RUC. The RUC will escalate to BTS Utility Unit as needed.

Drainage District Facilities

* + Current policy is drainage district facilities are not a utility facility. Contact the RUC. The RUC will escalate to BTS Utility Unit as needed.

Prescriptive Rights

* + Utility owner staking sheet, utility permit, or correspondence from utility documenting date of installation
  + Wis. DFI corporate records search, documenting entity type (Foreign or Domestic)
  + Determine if eligible for prescriptive rights by using the “Prescriptive Rights Calculator”

Underbuilds

* + Determine if any of the following exist:
    - Easements
    - Easement assignments
  + Determine if interests or rights in land exist, for complex issues contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.

Utilities on Railroad

* + Determine if any of the following exist:
    - License agreement
    - Easement
    - Easement deed by court order
    - Permit
  + Determine if interests or rights in land exist, for complex issues contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.

Waterways

* + Determine if utility facility is crossing “natural” lakes, ponds, and navigable rivers

**WGUC 11.4 -** “Title to beds of all natural lakes and ponds, and of navigable rivers, belongs to the State. State v. Trudeau, 139 Wis.2d 91 (1987). This means that all utility facilities in, or under, natural lakes ponds and navigable rivers are non-compensable.”

* + Determine if utility facility is crossing waterway created by “man”
    - Typically, this is caused by a dam
    - Determine if private ownership exists under the water
  + Determine if interests or rights in land exist, for complex issues contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.

Existing PLE and HLE

* + If there is no work planned within existing PLE/LHE, the region will not obtain utility release of rights, regardless of existing easements or facilities
  + If work is planned within existing PLE/LHE, the region will obtain utility release of rights, unless otherwise approved by the RUC and BTS Utility Unit

Discontinuance of Highways

* + Review prior plats to determine if a highway was discontinued or excess land has been sold
  + Review language within Wisconsin statutes
    - Wis. Stat. 82.19 Discontinuance of highways
    - Wis. Stat. 66.1005 Reversion of title
  + Determine if interests or rights in land exist, for complex issues contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.

**Utility Interests/Required**

Limits of utility interests and rights in land are shown on Utility Easement Exhibit

Determine valid utility interests and rights in land within existing and new right of way

Utility Interests Required

* + Verify the utility schedule is named “Utility Interest Required”

**FDM 12-10-1, 1.2.19 -** “The utility schedule shall be titled Utility Interest Required”

* + One UTL number per facility type, except for general utility easements (granted on subdivision plats or CSMs) contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.
    - Facility types
      * Electric (may require two UTL numbers for select utilities)
      * Communication
      * Gas
      * Water
      * Sewer
      * Steam
    - Example
      * Northern States Power Company (Gas) DBA Xcel Energy, UTL 40
      * Northern States Power Company (Electric) DBA Xcel Energy, UTL 41
  + Utility interests are usually in the name of the municipality, except for when a Board of Utility Commissioners was formed.
  + Verify the name of the public and municipal utilities

**FDM 12-10-1, 1.2.19** - “The name of the Utility Company at the time the plat is being recorded…”

* + - DBA Name
    - DBA Name and FKA Name
    - Legal Name
    - Legal Name and DBA Name
    - Legal Name and FKA Name
  + Verify UTL number matches the detail area of the plat and/or the easement table
  + Verify Interests Required is “Release of Rights” unless informed otherwise by the RUC
    - Examples of special situations
      * Interest Merged
      * Previous Conveyance
  + If no utility interests are required, utility schedule is not required on the plat

Detail area of the plat and/or the easement table

* + Only list the utility interests and rights in land within the acquisition areas
  + Owner (can be current or owner on document)
  + UTL #
  + Recording information for interest and rights in land; Vol, Page, Document # must be listed if they exist
  + Parcel(s) number affected
    - Interests and rights in land must be listed in a manner that it is clear which parcels are affected by each individual land right or interest
  + List both the easement assignment and the actual easements for the utility company that was assigned an easement
  + If an easement runs parallel to reference line, look for parcels that may have been inadvertently omitted from the detail area of the plat and/or the easement table
  + Existing easements were assigned to ATC when it was founded in 2001. Compare ATC interests and rights in lands with: We Energies (electric), Wisconsin Public Service, Alliant Energy (Wisconsin Power and Light Company), MG&E, Adams – Columbia Electric Cooperative, City of Algoma, Badger Power Marketing Authority, Superior Water Light and Power, Allete Transmission Holdings, Inc., Central Wisconsin Electric Cooperative, City of Columbus, City of Kaukauna, Manitowoc Public Utilities, Marshfield Electric and Water Department, City of Oconto Falls, City of Plymouth, City of Reedsburg, Rock Energy Cooperative, City of Sheboygan Falls, Stoughton Utilities, City of Sturgeon Bay, City of Sun Prairie, City of Wisconsin Rapids, and WPPI Energy. This review may find parcels that may have been inadvertently omitted from the detail area of the plat and/or the easement table.
    - Reasons they are different
      * Easement assignment assigned all interests and rights in land
      * Easement was acquired after 2001
    - Reasons they are the same
      * Easement assignment only assigned a portion of the interests and rights in land
      * Easement was acquired prior to 2001

**WGUC 8.3** - “The recording information of the easement, along with what parcels are affected by the easement has to be shown on the plat.”

**WGUC 8.5** - “In areas where a company holds easement rights that fall within new right-of-way, but has not actual facilities, a parcel must be shown.”

* + Easements granted in CSMs and Subdivision Plats
    - Easements specific to a utility company should be listed
    - General utility easements are complex, therefore contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.
  + Previous Conveyances should be listed
  + Prescriptive Rights are shown as “Prescriptive Rights”
    - Previously referred to as “No Record of Easement” or “No Easement of Record”
  + If utility was contacted and an unrecorded easement was provided, use “Unrecorded Easement”
  + Long-term leases or similar documents are complex, therefore contact region utility coordinator. The RUC will escalate to BTS Utility Unit as needed.
  + Local unit of government easements when proposed right-of-way is also in their name should be indicated as an Interest Merged

Questions regarding this document can be directed to: [Bureau of Technical Services Mailbox](mailto:dotdtsdcoutilitycoordination@dot.wi.gov?subject=Question%20re:%20Plat%20Checklist%20for%20Utilities)