

Legal Description Verbiage

First two paragraphs

Use this at the beginning of all TPP descriptions. The words "Grantor conveys..." are not needed, because they are preprinted on the conveyance documents. When referring to the plat recording data, use the same wording that the Register of Deeds puts on the recorded plat; the words "Volume and Page" (as shown here) may need to be replaced with "Drawer," "Cabinet," etc.

Parcel ____ of Transportation Project Plat _____ - 4.____, recorded in Volume ____ of Transportation Project Plats, Page ____, as Document ____, recorded in _____ County, Wisconsin.

Property interests and rights of said Parcel ____ consist of:

Subsequent paragraphs

Use as appropriate, in the order given:

Fee simple.

Highway easement.

Permanent limited easement.

For Access Rights, consult with the region real estate and access control staff on how to proceed. Be very specific about any restrictions placed on access control.

Access control descriptions consist of four parts:

1. Mandatory first (part being the two paragraphs as described above)
2. Mandatory second part

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as _____ and all of the abutting remaining real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat _____ - 4.____.

Note: Use the word "remaining" only if fee interests are also being acquired.

3. Optional third part (use as needed when some access is allowed to remain in place)

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the ____ (map direction)____ side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists.

Note: When any restrictions are placed on a driveway connection , such as on its location or its use, replace the previous paragraph with this:

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the ____ (map direction)____ side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

...and continue by including the optional fourth part.

4. Optional fourth part (use as needed when you want to put deed restrictions on a driveway)

Restrictions can be placed on a deed or by putting the restrictions on a permit. See Chapter 9 (Section

91.21) of the Highway Maintenance Manual for additional guidance on permit conditions. If the decision is to place the restrictions on the deed, add a fourth part to the legal description that lists whatever restrictions you are placing on the driveway connection.

Note: (Some "blanks" have been filled in, to make these examples understandable):

Location restriction:

Said driveway connection shall be located in the west ___ feet of the ___ 1/4 - ___ 1/4 of Section ___, T___ N, R___ E/W, ___ County, Wisconsin, as measured along the south line of said ___ 1/4 - ___ 1/4.

Said driveway connection shall be located between a point lying ___ feet north of the south line of Section ___, T___ N, R___ E/W, ___ County, Wisconsin, and a point lying ___ feet north of the said south line, as measured along the west line of said Section ___.

Said driveway connection shall be located between stations _____ and _____ as shown on said Transportation Project Plat _____ - 4.____.

Note: Do not use property lines as reference points when describing the location of driveway connections or the limits of access control. Also, when locating a driveway connection (or access control limits) within a range, make certain that the range falls only within that parcel's property lines.

Other methods of describing driveway connections are possible.

Use or other restriction:

Said driveway connection is subject to the following conditions:

(list whatever restrictions apply. This could be a limit of __X__ vehicles per day; a specified type of vehicle such as a car or a maximum length of vehicle; seasonal use; specific purpose use such as utility company access; restricted turning movements such as right-in only; directional movements such as entrance only or exit only; shared use driveway; etc.)

Side Roads

When describing access control on side roads, replace the first sentence in #3 above, with this:

The grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to _____ name of local road/street _____ from said abutting lands on the _____ side of said street. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists.

If any restrictions to the driveway connection are being applied, add the appropriate wording.

Temporary limited easement.

Restrictive development easement, described as follows:

Restrictive development easement for the right to create and maintain a vision corner, restricting the grantor's rights within said easement to only those activities that would not impair or otherwise adversely affect the ability of the motoring public on either _____ or _____ to clearly view traffic on the intersecting highway. Said easement also includes the right of the highway authorities to enter on said lands for purposes of removing any violations.

Name the primary highway in the first blank, and the secondary highway in the second blank.

Final Paragraph

An inclusionary clause shall be inserted at the end of every legal description. It shall read:

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Additional Language

1. Excluding buildings that lie partially or wholly within a temporary limited easement

When the plat shows a TLE line running through a building, instead of around it, the intent is usually to exclude the building's footprint from the easement. In those cases, include the following sentence after the standard TLE language:

Excluded from this easement is any land currently occupied by buildings.

To exclude structures other than buildings (such as retaining walls, planters, light poles, etc.), use the "Statement to Construction" form. Do not put those types of exclusions in the deed.

2. Accessing owner's land adjacent to his building, for the purpose of removing the building

When a building or improvement is acquired, and the acquisition leaves a portion of the acquired building or improvement located on the owner's remaining property, the use of the owner's adjoining land will likely be required in order to complete the demolition and removal process. A temporary limited easement shall be acquired for use in this situation. The TLE must be designed and legally described to be of sufficient size and duration to accommodate all demolition needs, including ingress, egress, razing and removal of the building(s), fixtures, appurtenances and any acquired building contents.

3. Notification of no access rights on new highway alignment

When acquiring a fee interest for the purpose of constructing a highway in an area where no highway presently exists, include the following sentence as the last paragraph of the parcel's description:

Also, no access rights shall accrue between the highway, herein designated as _____, and all of the abutting remaining real property of the owner.

Property owners whose land abuts such new highway alignment, but from whom no land is being acquired, are also given notice that no access rights will accrue. See DOT document DT2051. These documents should be recorded and sent to the property owners prior to the right-of-way meeting the requirements of Cert 1.

Note: This is not the same language that is used with a property having 84.25 controls in place.

Legal Description Examples

The titles are not part of the description.

Example 1 - FEE SIMPLE

Parcel 8 of Transportation Project Plat 5320-01-21- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 3, as Document 1420304, recorded in Columbia County, Wisconsin.

Property interests and rights of said Parcel 8 consist of:

Fee simple.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5320-01-21

Page 1 of 1

Parcel 8

Example 2 - FEE SIMPLE with PERMANENT LIMITED EASEMENT

Parcel 21 of Transportation Project Plat 2263-02-21-4.03, recorded in Drawer 1 of Transportation Project Plats, Page 2, as Document 1216413, recorded in Marathon County, Wisconsin.

Property interests and rights of said Parcel 21 consist of:

Fee simple.

Permanent limited easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 2263-02-21

Page 1 of 1

Parcel 21

Example 3 - FEE SIMPLE with PERMANENT LIMITED EASEMENT and TEMPORARY LIMITED EASEMENT

Parcel 14 of Transportation Project Plat 2231-03-22-4.11, recorded in Volume 1 of Transportation Project Plats, Page 5, as Document 1276713, recorded in Portage County, Wisconsin.

Property interests and rights of said Parcel 14 consist of:

Fee simple.

Permanent limited easement.

Temporary limited easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 2231-03-22

Page 1 of 1

Parcel 14

Example 4 - HIGHWAY EASEMENT

Parcel 6 of Transportation Project Plat 1018-00-22- 4.05, recorded in Volume 1 of Transportation Project Plats, Page 5, as Document 1276713, recorded in Bayfield County, Wisconsin.

Property interests and rights of said Parcel 6 consist of:

Highway easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 1018-00-22

Page 1 of 1

Parcel 6

Example 5 - ACCESS RIGHTS (no Driveway Connections allowed)

Parcel 32 of Transportation Project Plat 1540-02-21- 4.19, recorded in Drawer 2 of Transportation Project Plats, as Document 321007, recorded in Sauk County, Wisconsin.

Property interests and rights of said Parcel 32 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as USH 12 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 1540-02-21- 4.19.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 1540-02-21

Page 1 of 1

Parcel 32

Example 6 - ACCESS RIGHTS (allowing a Driveway Connection at a specific location)

Parcel 3 of Transportation Project Plat 7570-02-21- 4.01, recorded in Cabinet 2 of Transportation Project Plats, Page 4, as Document 1455392, recorded in Dane County, Wisconsin.

Property interests and rights of said Parcel 3 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 16 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 7570-02-21- 4.01.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the northerly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Said driveway connection shall be located at station 142+00 as shown on said Transportation Project Plat 7570-02-21- 4.01.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 7570-02-21

Page 1 of 1

Parcel 3

Example 7 - ACCESS RIGHTS (allowing a Driveway Connection with use restricted to single-family residence at a general location)

Parcel 17 of Transportation Project Plat 5020-05-22- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 9, as Document 1995401, recorded in Juneau County, Wisconsin.

Property interests and rights of said Parcel 17 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 171 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5020-05-22- 4.06.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the northerly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Said driveway connection shall be used for one single-family residence, only.

Said driveway connection shall be located in the east 800 feet of the NW 1/4 - NW 1/4 of Section 6, T12N, R2W, Juneau County, Wisconsin, as measured along the south line of said NW 1/4 - NW 1/4.

Note for the last paragraph: When using this method, make certain that the property owner owns all of the east 800 feet of the NW 1/4 - NW 1/4, where it abuts the south side of the highway.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5020-05-22

Page 1 of 1

Parcel 17

Example 8 - ACCESS RIGHTS (allowing a Driveway Connection with restrictions)

Parcel 17 of Transportation Project Plat 5020-05-22- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 9, as Document 1995401, recorded in Juneau County, Wisconsin.

Property interests and rights of said Parcel 17 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 171 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5020-05-22- 4.06.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the northerly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Traffic volume of the connection shall not exceed 100 vehicles per day.

Traffic movements will be restricted to right-in/right-out only.

The connection will only be used in the months of August, September, and October.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5020-05-22

Page 1 of 1

Parcel 17

Example 9 - ACCESS RIGHTS (allowing a Special Crossing)

Parcel 17 of Transportation Project Plat 5020-05-22- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 9, as Document 1995401, recorded in Juneau County, Wisconsin.

Property interests and rights of said Parcel 17 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 171 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5020-05-22- 4.06.

Except the grantee will allow, upon request, a Special Crossing, to said highway from said abutting lands on the northerly side of said highway. The Special Crossing is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and is subject to the following conditions:

A Special Crossing is to be used solely for travel between severed parcels under the same ownership for planting, maintaining, and/or harvesting crops or tending livestock; such use shall cease and the connections and crossing shall be removed by the grantor if such parcels pass into separate ownership.

Said Special Crossing shall be located between stations ____ and ____ as shown on, or calculated from, said Transportation Project Plat.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5020-05-22

Page 1 of 1

Parcel 17

Example 10 - ACCESS RIGHTS (allowing a trail or trail crossing)

Parcel 17 of Transportation Project Plat 5020-05-22- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 9, as Document 1995401, recorded in Juneau County, Wisconsin.

Property interests and rights of said Parcel 17 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 171 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5020-05-22- 4.06.

Except the grantee will allow, upon request, a trail crossing, subject to police power regulation, of said highway from said abutting lands. The trail crossing is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked if safety or operational issues arise. The trail is subject to the following conditions:

Said trail crossing shall be located between stations ____ and ____ as shown on, or calculated from, said Transportation Project Plat.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5020-05-22

Page 1 of 1

Parcel 17

Example 11 - ACCESS RIGHTS (vehicular access only, used rarely)

Parcel 17 of Transportation Project Plat 5020-05-22- 4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 9, as Document 1995401, recorded in Juneau County, Wisconsin.

Property interests and rights of said Parcel 17 consist of:

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of vehicular access** between the highway currently designated as STH 171 and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5020-05-22- 4.06.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5020-05-22

Page 1 of 1

Parcel 17

Example 12 - FEE SIMPLE with ACCESS RIGHTS (allowing a Driveway Connection at any location)

Parcel 18 of Transportation Project Plat 5121-09-21- 4.10, recorded in Cabinet 1 of Transportation Project Plats, Page 2, as Document 1675520, recorded in La Crosse County, Wisconsin.

Property interests and rights of said Parcel 18 consist of:

Fee simple.

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 33 and all of the abutting remaining real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 5121-09-21- 4.10.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the southerly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5121-09-21

Page 1 of 1

Parcel 18

Example 13 - FEE SIMPLE with ACCESS RIGHTS (allowing a Driveway Connection with use restricted to agriculture at any location)

Parcel 72 of Transportation Project Plat 1018-00-22- 4.16, recorded in Drawer 4 of Transportation Project Plats, as Document 2403977, recorded in Dane County, Wisconsin.

Property interests and rights of said Parcel 72 consist of:

Fee simple.

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as STH 58 and all of the abutting remaining real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 1018-00-22- 4.16.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the westerly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Said driveway connection shall be restricted to agricultural use only. Agricultural use is restricted to the planting, maintaining and harvesting of crops or the pasturing of animals.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 1018-00-22

Page 1 of 1

Parcel 72

Example 14 - FEE SIMPLE with ACCESS RIGHTS on HWY and SIDE ROAD (allowing Driveway Connections at specific locations)

Parcel 9 of Transportation Project Plat 6420-02-21- 4.03, recorded in Volume 2 of Transportation Project Plats, Page 5, as Document 1109443, recorded in Jackson County, Wisconsin.

Property interests and rights of said Parcel 9 consist of:

Fee simple.

Access rights, described as follows:

All existing, future or potential common law or statutory easements or **rights of access** between the highway currently designated as USH 12 and all of the abutting remaining real property of the owner(s), whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 6420-02-21- 4.03.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said highway from said abutting lands on the easterly side of said highway. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Said driveway connection shall be located at station 262+31.24 as shown on said Transportation Project Plat 6420-02-21- 4.03.

Also, all existing, future or potential common law or statutory easements or **rights of access** between the street currently designated as Fremont Avenue and all of the abutting remaining real property of the owner(s) whether acquired by separate conveyance or otherwise, as shown on said Transportation Project Plat 6420-02-21- 4.03.

Except the grantee will allow, upon request, the common law right, subject to police power regulation, one driveway connection to said street from said abutting lands on the northerly side of said street. The driveway connection is subject to the rules and regulations of the driveway permitting authority, and may be modified by the grantee or its successors or assigns as future conditions warrant and revoked when reasonable alternative access exists. Said driveway connection is subject to the following conditions:

Said driveway connection shall be located at station 100'F'+50 as shown on said Transportation Project Plat 6420-02-21- 4.03.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat

are hereby incorporated herein by reference.

Project I.D. 6420-02-21

Page 1 of 1

Parcel 9

Example 15 - RESTRICTIVE DEVELOPMENT EASEMENT

Parcel 8 of Transportation Project Plat 5320-01-21-4.06, recorded in Cabinet 1 of Transportation Project Plats, Page 3, as Document 1420304, recorded in Columbia County, Wisconsin.

Property interests and rights of said Parcel 8 consist of:

Restrictive development easement, described as follows:

Restrictive development easement for the right to create and maintain a vision corner, restricting the grantor's rights within said easement to only those activities that would not impair or otherwise adversely affect the ability of the motoring public on either USH 14 or STH 35 to clearly view traffic on the intersecting highway. Said easement also includes the right of the highway authorities to enter on said lands for purposes of removing any violations.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 5320-01-21

Page 1 of 1

Parcel 8

Example 16 - PARCEL APPEARS ON AN AMENDED PLAT

Parcel 14 of Transportation Project Plat 2231-03-22-4.03, Amendment 1, recorded in Volume 1 of Transportation Project Plats, Page 5, as Document 1276713, recorded in Portage County, Wisconsin.

Property interests and rights of said Parcel 14 consist of:

Permanent limited easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 2231-03-22

Page 1 of 1

Parcel 14

Example 17 - PARCEL APPEARS ON MORE THAN ONE TPP SHEET

Parcel 2 of Transportation Project Plat 1020-03-21 – 4.01, recorded in Volume 3 of Transportation Project Plats, Page 1, as Document 309844, recorded in Richland County, Wisconsin.

Property interests and rights of said Parcel 2 consist of:

Temporary limited easement.

Also, Parcel 2 of Transportation Project Plat 1020-03-21– 4.02, recorded in Volume 3 of Transportation Project Plats, Page 2, as Document 309845, recorded in Richland County, Wisconsin.

Property interests and rights of said Parcel 2 consist of:

Fee simple.

Temporary limited easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

Project I.D. 1020-03-21

Page 1 of

Parcel 2