

CERTIFICATE OF RIGHT OF WAY

Wisconsin Department of Transportation

DT1899 Updated 03/25/10 (Replaces RE5005)

To: Director, Bureau of Technical Services – Real Estate		From: Region; Technical Svcs (1)	Date: (2)
Hill Farms Bldg/Rm 501 - Madison			
Construction Project Number (3)	Federal Aid Project Number (4)	R/W Project Number (5)	
Highway (6)		Letting Date (7)	
Title & Limits (8)		County (9)	
Type of Work (10)	Begin Station (11)	End Station (12)	
Encroachments still to be removed <input type="checkbox"/> None <input type="checkbox"/> Yes, list parcel #(s), station(s), explain items, who will remove, estimated removal date, etc.: (13)			

Encroachments to be left in place by revocable permit
 None Yes, list parcel #(s), station(s), explain items, etc.: **(14)**

Hazardous waste
 None Yes, list parcel #(s), station(s), explain remedy plan, estimated removal date, etc.: **(15)**

List right of way parcels and interests required for this construction project letting.
 None Yes, provide parcels #(s) and type of interest, to include construction permits: **(16)**

-- For WisDOT Regional Design Authorization Use Only --

No new right of way is required; and, we certify the right of way status as #1, pursuant to 23 CFR 635.309 and other federal regulation as appropriate.

Yes, new right of way is required. (If checked, forward to regional Technical Services – Real Estate.)

Regional Design Representative

(17)

Note: Only WisDOT has authorization approval

Date

-- For WisDOT Regional Real Estate Authorization Use Only --

If new R/W is required:
 All parcels are acquired.
 Parcels not yet acquired. If applicable, list parcel number(s), closing date, award date, and other pertinent details: **(18)**

Relocation <input type="checkbox"/> None <input type="checkbox"/> Yes, provide parcel #(s), relocation date(s), anticipated, delays, etc.: (19)	Structure Removal <input type="checkbox"/> None <input type="checkbox"/> Yes, provide type(s), removal date(s), by whom: (20)
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On behalf of the acquiring agency State, County, City, Village, Town, Other: _____, and pursuant to 23 CFR 635.309 and other federal regulation as appropriate, we certify the right of way status as: 1, 2, 3.

(21)

Regional Real Estate Representative

Date

**Note: Only WisDOT has
authorization approval**

Include additional information and attach additional pages, if necessary

 (See Word 2007 tip below.)

RIGHT OF WAY CERTIFICATION LEVEL DEFINITIONS

- **CERTIFICATION #1** (let and award)

All necessary rights/interests as shown on the right of way plat and/or construction plan have been obtained including legal and physical possession. There may be cases appealed or cases pending in court, but legal possession has been obtained. There may be some improvements remaining on the right of way, but all occupants have vacated the lands and improvements. WisDOT has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.

- **CERTIFICATION #2** (let and award, but follow up necessary)

Although all necessary rights of way have not been fully acquired, the right to occupy and use all rights of way required for the proper execution of the project has been acquired. (Negotiations must be initiated.) Trial or appeal of some parcels may be pending in court. Full legal possession has not been obtained, but a Temporary Right of Entry Easement has been obtained. The occupants of all lands and improvements have vacated. WisDOT has physical possession and right to remove, salvage or demolish these improvements. The right of entry must be discussed with Bureau of Technical Services - Real Estate for approval prior to use.

- **CERTIFICATION #3** (follow up and right of way clearance required prior to letting)

The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with both federal and state directives covering the relocation assistance program. For parcels not clear at the time the PS&E. was submitted, an updated certification must be received by the Bureau of Technical Services - Real Estate prior to the scheduled ad meeting. The certification must show the parcels not yet acquired, anticipated acquisition dates, anticipated Jurisdictional Offer filing dates, etc. The certification must also identify any parcels not vacated and the vacation dates. The region may request authorization in these cases only in very rare and unique circumstances. This exception, however, will never become the rule.

- **DEFER**

Projects that do not meet the above requirements will not be advertised for letting.

 **HELP TIP:** If using Word 2007 version software and find it necessary to include additional information or attach additional pages, with Word 2007 open, go to 'Insert' tab on ribbon. Then, click dropdown arrow to right of 'Object' (in Text group area). Next, choose 'Text from File...' from dropdown, and browse to file on your computer that you want to insert. Once you locate and click on file from your computer, entire file and all saved content will be immediately inserted.

Alternate method: With Word 2007 open, go to 'Insert' tab on ribbon. Then, click dropdown arrow to right of 'Object' (in Text group area). Next, choose 'Object...' from dropdown, or just click 'Object' icon. When popup window appears, move to tab 'Create from File' and click 'Browse...' button to find file on your computer. Once you locate and click on file from your computer, path will appear in 'File name:' field. Finally, click 'Okay' button and file will be transferred into current document.

Detailed instructions on the right of way certification process can be found in the Real Estate Program Manual/Section 3.10 as well as the Facilities Development Manual in FDM 19-10-35. Also see, See FDM 19-1-3 for more on letting process.

Note: At the time of this writing, an additional step is being implemented on a trial basis where an exception report is being required at the time of the PS&E to try and address any issues that may prevent a project from meeting all requirements for advertisement and letting.

CERTIFICATE OF RIGHT OF WAY (DT1899) INSTRUCTIONS

See definitions for right of way certification levels on previous page. Items marked 1 - 17 on Certificate of Right of Way (form DT1899) to be filled out by regional WisDOT Design Unit or consultant. Also see instructions "For WisDOT Regional Design Authorization Use Only."

Item # Step-by-step instructions to complete

- (1) "From" – region completing form.
- (2) "Date" – date preparing form.
- (3) "Construction Project Number"
- (4) "Federal Aid Project Number" – if applicable.
- (5) "R/W Project Number" – right of way project number, if applicable.
- (6) "Highway" – formal name of highway. Example: S.T.H. 55.
- (7) "Letting Date" – date when project is scheduled for letting.
- (8) "Title & Limits" – general location information (use official Title and Limit from FIIPS).
- (9) "County" – county where majority of work on project will take place.
- (10) "Type of Work" – briefly summarize action to be taken. Example: grading, curb and gutter, etc.
- (11) "Begin Station" – station where construction will begin on project.
- (12) "End Station" – station where construction will end on project.
- (13) "Encroachments still to be removed" – check either "None" or "Yes, list parcel #(s), station(s), explain items, who will remove, estimated removal date, etc." – provide plat parcel number, station and description of encroachment. Who will remove and when; consult with Design or Maintenance Units if needed.
- (14) "Encroachments to be left in place by revocable permit" – check either "None" or "Yes, list parcel #(s), station(s), explain items, etc." – provide plat parcel number, station and description of encroachment. Give status of permit. Provide as much detail as practicable. Example: Parcel 8, Station 106+75, village "Welcome" sign; permit granted on 00/00/0000.
- (15) "Hazardous Waste" – check either "None" or "Yes, list parcel #(s), station(s), explain remedy plan, estimated removal date, etc." – provide plat parcel number and station of waste site. Describe materials found and explain remedy plan, including any estimate removal date. Include point of contact information as part of remedy plan, if applicable.
- (16) "List right of way parcels and interests required for this construction project letting." – check either "None" or "Yes, provide parcel #(s) and type of interest, to include construction permits." – do not include utility or railroad parcels. Example: Parcels 1,3,5,6 – FEE; Parcels 2,4 – PLE; Parcels 7,8,9 – TLE; Parcel 10 – Construction Permit.
- (17) For WisDOT Regional Design Authorization Use Only – check either, "No new right of way is required; and, we certify the right of way status as #1, pursuant to 23 CFR 635.309 and other federal regulation as appropriate." – no permanent and/or temporary. Enter Regional Design Representative name/date. Then, add to PS&E package. Or, check "Yes, new right of way is required" – permanent and/or temporary. Enter Regional Design Representative name/date. Next, if new R/W is required, send to regional WisDOT/Technical Services - Real Estate to complete Items #18 - 21. Note: Only WisDOT has authorization for approval (consultants are not recognized by FHWA for approval authority).

Item # If new R/W is required, items marked 18 - 21 to be filled out by regional Real Estate representative.*

- (18) For WisDOT Regional Real Estate Authorization Use Only – check either "All parcels are acquired" or "Parcels not yet acquired. If applicable, list parcel number(s), closing date, award date, and other pertinent details" – provide additional detail as necessary to explain any circumstances of any parcels not acquired.
- (19) Relocation – check either "None" or "Yes, provide parcel #(s), relocation date(s), and anticipated delays, etc." – provide additional detail as necessary to explain circumstances of any relocations not completed.
- (20) Structure Removal – check either "None" or "Yes, provide type(s), removal dates(s), by whom." Example: Small shed to be removed by owner on or before 00/00/0000.
- (21) Check appropriate box of "On behalf of acquiring agency..." and, check appropriate level for "we certify right of way status..." Enter Regional Real Estate Representative name/date. Note: Only WisDOT has authorization for approval (consultants are not recognized by FHWA for approval authority).

Note: Include additional information and attach other additional pages and documents as may be needed.