

RIGHT-OF-WAY (R/W) & REAL ESTATE (RE) CHECKLIST

Sponsor's Guide to Non-Traditional Project Implementation
SG05

WisDOT Local Program (Central Office)
4822 Madison Yards Way, 4th Floor South
Madison, WI 53705
DOTLocalPrograms@dot.wi.gov



WisDOT Project ID Number		Date Checklist Completed
Project Title	Hwy #/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

Wis Stat 32.015 prohibits the use of condemnation for new/extension of recreational trails, bicycle ways, bicycle lanes, and pedestrian ways including sidewalks. If the project includes these improvements, contact your LPREPM for specific acquisition instructions.

All real estate acquisition must be completed before PS&E. The project cannot be advertised until the LPREPM has reviewed and approved R/W documentation. It is advised that no less than 18 months be provided from the time the plat is approved to the project's scheduled PS&E date. Consult your LPREPM and the LP RE Manual for any real estate questions.

The acquisition process may not begin until the following approvals have been obtained and documented in the project file:

- Design Study Report (DSR)
- Real Estate Funding Approval (when state/federal aid is in R/W)
- Acquisition Capability Statement/Real Estate Contacts
- R/W Plat or Construction Plan
- Relocation Order
- Relocation Plan (if required)

<input checked="" type="checkbox"/>	Preliminary
<input type="checkbox"/>	Contract with R/W consultants. Use of WisDOT contract language is required. LPREPM must approve contract when using state/federal funds in RE. Use of WisDOT RE Automated Data Systems (READS) is required.
<input type="checkbox"/>	If persons/businesses are to be displaced, complete a Conceptual Relocation Plan and Conceptual Relocation Plan-Interview Addendum . Use of an approved relocation agent is required ¹ . Submit the completed plan to the region LPREPM and the BTS-RE Relocation Facilitator for review and approval.
<input type="checkbox"/>	All real and personal property relocations must be coordinated with the region LPREPM and the BTS-RE Relocation Facilitator.
<input type="checkbox"/>	If using state/federal funds in R/W, submit Project Scoping spreadsheet to LPREPM for use in RE funding authorization. Do not incur costs until you have authorization. Costs incurred prior to authorization will not be reimbursed.
<input type="checkbox"/>	Read The Rights of the Landowner under Wisconsin Eminent Domain Law .
<input type="checkbox"/>	Complete title searches .
<input type="checkbox"/>	Determine which parcels will need easement releases or partial releases of mortgage ² .
<input type="checkbox"/>	Draft/approve R/W Plat, Relocation order (RE1708). File with project. Submit copy to LPREPM . WisDOT will not review RE information on R/W plats. Sponsor is responsible for providing an accurate R/W plat.
<input type="checkbox"/>	Acquisition agent drafts legal descriptions.
<input type="checkbox"/>	Notify/coordinate with utilities .
<input type="checkbox"/>	Identify and remove/permit encroachments.
<input type="checkbox"/>	Complete the Acquisition Capability Statement (state/fed funding). 49 CFR § 24.102 (Uniform Act) requires the negotiator, appraiser, and review appraiser be different individuals. There are limited exceptions. Contact your region LPREPM for assistance.
<input type="checkbox"/>	Coordinate a RE start-up meeting and appraisal scoping meeting with region LPREPM .

<input checked="" type="checkbox"/>	Notify owners
<input type="checkbox"/>	Prepare folder for each parcel acquisition.
<input type="checkbox"/>	Send introduction letter with The Rights of the Landowner under Wisconsin Eminent Domain Law brochure, preliminary plat, and owner information sheet to each property owner.

¹Consultants and staff performing R/W functions (acquisition, relocation agents, appraisers, review appraisers) [must be approved by WisDOT](#).

² Additional information can be found in the [LPA RE Manual, section 1.13](#).

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<input checked="" type="checkbox"/> Waiver of appraisal procedure
<input type="checkbox"/> Prepare sales study. <input type="checkbox"/> Complete Nominal Payment Parcel Report (RE1889). Sponsor’s authorized representative and region LPREPM ³ must approve. <input type="checkbox"/> Prepare Nominal Payment Parcel Waiver of Appraisal (RE1897) (based on sales study) for each parcel. <input type="checkbox"/> Explain owner’s rights as outlined in The Rights of the Landowner under Wisconsin Eminent Domain Law brochure. Provide owner with required documents. <input type="checkbox"/> If owner willingly signs the Nominal Payment Parcel Waiver of Appraisal form, deed, easement, and other necessary documents, make the payment, and record the conveyance. A parcel cannot be condemned without first completing this process. <input type="checkbox"/> The agency may attempt to negotiate parcels that are non-complex and have damages > \$25,000 without formal appraisals. The owner must agree to waive their right to an appraisal. LPREPM must approve nominal offering prices and any later increases.

<input checked="" type="checkbox"/> Appraisal								
Furnish appraiser with the following documents:								
<table border="0"> <tr> <td><input type="checkbox"/> R/W plat</td> <td><input type="checkbox"/> Title information for each parcel</td> </tr> <tr> <td><input type="checkbox"/> Legal descriptions</td> <td><input type="checkbox"/> Construction dates</td> </tr> <tr> <td><input type="checkbox"/> Due dates</td> <td><input type="checkbox"/> Construction plan, profiles, cross sections</td> </tr> <tr> <td><input type="checkbox"/> Parcel Scoping Checklist</td> <td><input type="checkbox"/> Property owner(s) names/contact information</td> </tr> </table>	<input type="checkbox"/> R/W plat	<input type="checkbox"/> Title information for each parcel	<input type="checkbox"/> Legal descriptions	<input type="checkbox"/> Construction dates	<input type="checkbox"/> Due dates	<input type="checkbox"/> Construction plan, profiles, cross sections	<input type="checkbox"/> Parcel Scoping Checklist	<input type="checkbox"/> Property owner(s) names/contact information
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<input checked="" type="checkbox"/> Appraisal Review⁴
<input type="checkbox"/> Work with WisDOT-approved appraisal reviewer to review and approve all appraisals. <input type="checkbox"/> Appraisal reviewer completes Appraisal Review Report (RE2128) <input type="checkbox"/> Reviewer and approving authority complete and sign Offering Price Report and Submittal (RE1894)

<input checked="" type="checkbox"/> Negotiation														
<input type="checkbox"/> Review title search for parties of interest and encumbrances against the property (i.e., tax liens, judgements, etc.). These must be satisfied or cleared before closing (including any possible partial release of mortgage). Contact owner(s) and furnish with the following documents:														
<table border="0"> <tr> <td><input type="checkbox"/> Copy of appraisal or unsigned Waiver of Appraisal</td> <td><input type="checkbox"/> Copy of deed and/or easement and legal description</td> </tr> <tr> <td><input type="checkbox"/> Initiation of Negotiations letter</td> <td><input type="checkbox"/> Map showing all property affected by project</td> </tr> <tr> <td><input type="checkbox"/> Ten or more neighboring property owners to whom offers are being made.</td> <td><input type="checkbox"/> The Rights of the Landowner under Wisconsin Eminent Domain Law brochure</td> </tr> <tr> <td><input type="checkbox"/> Owner appraisal rights (as necessary)</td> <td><input type="checkbox"/> Proposed Agreement for Purchase of RE Interests (RE1895)</td> </tr> <tr> <td><input type="checkbox"/> Negotiator’s contact information</td> <td><input type="checkbox"/> Closing statement</td> </tr> <tr> <td><input type="checkbox"/> W-9 (if appropriate)</td> <td><input type="checkbox"/> Copy of plat and Schedule of Interests for all affected property owners</td> </tr> <tr> <td><input type="checkbox"/> Statement to construction engineer (RE1528)</td> <td><input type="checkbox"/> Tax proration (f appropriate)</td> </tr> </table>	<input type="checkbox"/> Copy of appraisal or unsigned Waiver of Appraisal	<input type="checkbox"/> Copy of deed and/or easement and legal description	<input type="checkbox"/> Initiation of Negotiations letter	<input type="checkbox"/> Map showing all property affected by project	<input type="checkbox"/> Ten or more neighboring property owners to whom offers are being made.	<input type="checkbox"/> The Rights of the Landowner under Wisconsin Eminent Domain Law brochure	<input type="checkbox"/> Owner appraisal rights (as necessary)	<input type="checkbox"/> Proposed Agreement for Purchase of RE Interests (RE1895)	<input type="checkbox"/> Negotiator’s contact information	<input type="checkbox"/> Closing statement	<input type="checkbox"/> W-9 (if appropriate)	<input type="checkbox"/> Copy of plat and Schedule of Interests for all affected property owners	<input type="checkbox"/> Statement to construction engineer (RE1528)	<input type="checkbox"/> Tax proration (f appropriate)
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<input type="checkbox"/> For appraisal parcels, owner(s) has 60 days from receipt of agency appraisal to secure their own appraisal. Reimburse the owner(s) for the appraisal fee (if Owner Appraisal Guidelines requirements are met). <input type="checkbox"/> Obtain Agreement for Purchase of RE Interests from owner(s), including any agreed-upon special conditions/commitments ⁵ . <input type="checkbox"/> Obtain Partial Release of Mortgage (RE1549), as necessary. <input type="checkbox"/> If original approved offer is revised during negotiations, notify owner in writing. Complete Administrative Revision (RE1592) with justification for increase. <input type="checkbox"/> Complete Negotiation Diary (RE2058), including thorough documentation of all meetings/conversations during acquisition process.														

³ Region LPREPM must approve all documents in this step when federal/state funds are used for R/W.

⁴ WisDOT must review appraisals and approve offering prices when federal/state funds are used for R/W.

⁵ Commitments and special conditions must be reviewed/approved by the designer and agency. WisDOT must approve any changes in offering prices.

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<input checked="" type="checkbox"/> Closing
<input type="checkbox"/> List commitments (if applicable) to owner on the Statement to Construction Engineer (RE1528).
<input type="checkbox"/> Obtain partial release of mortgage (RE1549) and/or executed conveyances from all parties of interest.
<input type="checkbox"/> Secure executed conveyance from owner.
<input type="checkbox"/> Record documents with Register of Deeds (including TLEs).
<input type="checkbox"/> Complete Negotiation Diary documentation and sign.

<input checked="" type="checkbox"/> Condemnation Procedures⁶
<input type="checkbox"/> Follow the condemnation job aid .
<input type="checkbox"/> After the end of the owner's 60-day appraisal period, serve a Jurisdictional Offer (JO) (RE1786) to all parties of interest
<input type="checkbox"/> Record Notice of Lis Pendens (RE1547) with attached JO at the Register of Deeds within 14 days of the service of the JO.
<input type="checkbox"/> If the owner(s) rejects/ignores the JO within the 20 days provided by the statute, prepare, approve, and serve Award of Damage along with payment. Payment must be made before recording the Award of Damages.
<input type="checkbox"/> Attempts to negotiate must continue through the JO period.
<input type="checkbox"/> Make payment to the owner and all parties of interest or deposit the payment at the county Clerk of Courts
<input type="checkbox"/> Record the award with Register of Deeds. Do not amend Award of Damages or negotiate after award is recorded.

<input checked="" type="checkbox"/> Certification
<input type="checkbox"/> Forward the Certification of LPA R/W Acquisition (RE3028) to the LPREPM.
<input type="checkbox"/> Upload all required documents (see LP REM 3.17) to READS.

<input checked="" type="checkbox"/> Reimbursement
<input type="checkbox"/> For projects utilizing state/federal funds for R/W, send completed reimbursement request with all documentation to LPREPM.
<input type="checkbox"/> For projects requesting reimbursement of property owner appraiser fees, submit FHWA Reimbursement – Owner's Appraisal Fee .

⁶ When condemnation is necessary, coordinate with the LPREPM. It is strongly suggested that the LPA's attorney review all condemnation documents before service.