

## PILOT

# LOW RISK PILOT LOCAL BRIDGE PROGRAM (STATE FUNDED, NON-NHS) REAL ESTATE INSTRUCTION & REQUIREMENTS

Unnumbered 6/2019

All forms and documents are found under the [Low Risk Pilot - Local Bridge Program Real Estate](#) headline.  
Link: [Federal/State Aid Project Delivery](#)

**NOTE: BOLD indicates Wisconsin State Statute Requirement**

1. Real Estate acquisition activities can start once the Relocation Order and plat have been recorded at the Register of Deeds.
2. Real Estate Start-Up Meeting. It is recommended that there be a Real Estate Start-Up Meeting. A boilerplate meeting agenda can be found in the [Low Risk Pilot - Local Bridge Program Real Estate](#) headline (use the link provided above).
3. Real Estate Acquisition [Link: [Local Program Real Estate Manual \(LP RE Manual\)](#)]
  - a. LPA Negotiation Agent or LPA Staff should possess the following skills and knowledge (LP RE Manual):
    - i. Possess effective communication skill
    - ii. Know the eminent domain process
    - iii. Know Uniform Act requirements, statutes, regulations and policies pertinent to the acquisition process
    - iv. Able to read right of way plats
    - v. Understand real estate appraisal reports
    - vi. Know basic relocation assistance requirements
    - vii. Know to understand construction plans and cross-sections
    - viii. Know how to understand and interpret title reports and potential issues
    - ix. Know how to read and review Legal descriptions
    - x. Understand conveyance types and how to file documents
    - xi. Should be on WisDOT's list of LPAs approved negotiators or approved LPA Staff list (recommended)
  - b. Appraiser/Review Appraiser (LP RE Manual):
    - i. Hold a current "Certified Residential Appraiser" or "Certified General Appraiser" license or be a full-time employee of the LPA
    - ii. Have three years of eminent domain appraisal experience
  - c. Project File – The following list is a summary of the requirements for the LPA project file where State transportation funds are expected to be used. **BOLD** items are statutorily required:
    - Sponsor Name
    - County
    - Project Number
    - Type of Project
    - Environmental Report
    - State/Municipal Agreement(s) [LPA manual, Chapter 11.2]
    - Relocation order [Wis. Stat. Ch. 32.05(1)(a)]**

**Note: Unless the compensation less than \$1,000 in the aggregate, a relocation order is required. [Wis. Stat. § 32.05(1)(b)]**

- Provide a map or plat [Wis. Stat. Ch. 32.05(1)(a)] (Should be recorded with the county clerk, there is a date deadline) or DNR master plan
  - Project Data Book, Sales Study, or comparable sales documentation
- d. Parcel File - Each individual parcel file shall, in the order listed below, include (where applicable) the following essential items. **BOLD** items are statutorily required:
- Title report [LPA manual, Chapter 11.2]
  - Appraisal(s), if applicable. (included is appraiser name and certification proof, appraisal analysis within) [Uniform Act 42 USC § 4601, et. seq; 49 CFR Part 24.103]
  - Signed Waiver of Appraisal, if applicable. Verifying that the land owner(s) waived their right to an appraisal. (If this is a nominal parcel, under \$25,000, and the owner(s) wants an appraisal done, then Sponsor shall first secure its own appraisal and then proceed to allow owner the opportunity to obtain their own independent appraisal) Sponsor shall pay for owner's reasonable appraiser costs if submitted to sponsor within 60 days of receiving the Sponsor's appraisal. [49 CFR 24.102(c); Wis. Stat. § 32.05(2)(b)]**
  - Signed Donation Waiver of Appraisal, if applicable. (Waiver should include value of donation) [49 CFR Part 24.104]
  - Offering Price Letter (dated) (In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated. [49 CFR Part 241.02(e); LPA manual, Chapter 5])
  - Offer to acquire uneconomic remnant, if applicable. [49 CFR Part 241.02(k)]
  - Good faith negotiation documentation [49 CFR Part 24.102(f); Wis. Stat. § 32.05(2a)]** use a Negotiation Diary, which will prove that good faith negotiation was provided. The diary (or other documentation found in the parcel file) is to include the following:
    - **Entry providing date of delivery for the brochure entitled, The Rights of Landowners Under Wisconsin Eminent Domain Law. [49 CFR 24.102(b); 23 CFR 710.201(k); Wis. Stat. § 32.05(2a)]**
    - **Documentation stating whether an appraisal was provided or if not done was the offer under \$25,000. [Wis. Stat. § 32.05(2a)]**
    - **Statement verifying that the land owner was offered the opportunity to get his/her own appraisal done. [49 CFR Part 24.102(c); Wis. Stat. § 32.05(2a)]**
    - Statement verifying that the appraisal was reviewed and by whom. [49 CFR Part 24.104]
    - Statement showing or other proof that compensation was established prior to initiation of negotiations. [49 CFR Part 24.102(c)]
    - Note conflict of interest, if applicable. [49 CFR Part 24.102(n)]
    - If applicable, statement that landowner was reimbursed for expenses incidental to title transfer. [49 CFR Part 24.106]
    - **Statement that a copy of a document providing owner(s) with the names of at least 10 neighboring landowners to whom offers are being made, or a list of all offerees if less than 10 owners are affected, together with a map showing all property affected by the project. [Wis. Stat. § 32.05(2a)]**
    - **Statement verifying that the landowner or their representative did or did not request to examine any maps in the possession of the Sponsor showing property affected by the project? [Wis. Stat. § 32.05(2a)]**

- **Statement that the conveyance was recorded by or on behalf of the landowner to the Sponsor with the register of deeds in the county where the property is owned. [Wis. Stat. § 32.05(2a)]**
- **Statement verifying that the conveyance identified all persons having an interest of record in the property, the legal description, the type of interest acquired, and the compensation for such acquisition. [Wis. Stat. § 32.05(2a)]**
- **Provide a statement verifying that the Sponsor served upon or mailed via certified mail to all landowners a copy of the conveyance and a notice of a right to appeal the amount of compensations (within 6 months after date of its recording) [Wis. Stat. § 32.05(2a)]**
- Any additional entries to adequately describe the entire story of the negotiations and to ensure that no coercive action was taken in order to induce agreement in price. [49 CFR Part 24.102(h)]
- Agreement for Purchase and Sale of Real Estate (lpa1895 or lpa1618) or similar document
- Administrative Revision (lpa1592) or similar document with supporting justification and approval, if applicable
- Statement to Construction Engineer (lpa1528) or similar document, including commitments made to property owners, if applicable
- Closing Statement
- Check copies and/or evidence of payment before possession (w/letter and notes made in Negotiation Diary). [49 CFR Part 24.102(j)]
- Recorded conveyances and mortgage releases. *Mail to all landowners a copy of the conveyance and a notice of a right to appeal the amount of compensations (within 6 months after date of its recording).* [Wis. Stat. § 32.05(2a)]**
- Condemnation documents [Wis. Stat. § 32.05(3)-(12)] - Jurisdictional Offer (lpa1786), Notice of Lis Pendens (lpa1547), Award of Damages (lpa1559), if applicable**
- Relocation related documents [Wis. Admin. Code Ch. ADM 92. Relocation Assistance], if applicable**
- W-9 and 1099s, if available

4. The LPA should also be sure to follow other pertinent Wis. Stat. such as (but not limited to):
- a. Chapter 60 – Towns
  - b. Chapter 61 – Villages
  - c. Chapter 62 – Cities
  - d. Chapter 66 - General municipality law; Chapter 82 - Town highways
  - e. Chapter 83 - County highways; Chapter 84 - State trunk highways; federal aid
  - f. Chapter 86 - Miscellaneous highways (including 86.04 Highway Encroachments)
  - g. Chapter 91 - Farmland preservation
  - h. Chapter 244 - Uniform power of attorney for finances and property
  - i. Chapter 703 – Condominiums
  - j. Chapter 706 -Conveyances of real property; recording; titles
  - k. Chapter 846 - Real estate foreclosure
  - l. Chapter 893 - Limitations .... for claims against governmental units
  - m. Administrative code: Trans 201 - Control of outdoor advertising along and visible from highways on the interstate and federal-aid primary systems
  - n. Chapter 20.395(3) – for the purchase of any interest in RE beyond ¼ mile from the edge of the project’s ROW line

5. ROW Clearance & Certification - The LPA is required to certify that the right of way (ROW) has been cleared at the PS&E deadline. The Low Risk Pilot – Local Bridge Program (State funded) – Simplified Certificate of Right of Way form may be used to certify the project. Right of way (ROW) must be cleared prior to requesting construction authorization. The form may be downloaded from the [Federal/State Aid Project Delivery](#)
6. Questions should be directed to the Local Program Project Manager (LPPM) working on the project.

**This pilot is being established to investigate the streamlining and reduction of requirements for the purpose of cost savings. Metrics will be evaluated to determine the success of the pilot and ultimately possibility of expansion of the concepts being tested.**