



## HOW THE WISCONSIN DEPARTMENT OF TRANSPORTATION SELLS SURPLUS LAND

Website: <http://wisconsin.gov/Pages/doing-bus/real-estate/landsales/default.aspx>

**GENERAL INFORMATION:** Following completion of a highway project, the Wisconsin Department of Transportation (WisDOT) is often left with parcels of land not needed for any present or future transportation purpose. Wisconsin law, Chapter 84.09(5), allows for the sale of these properties to other public bodies and the general public. This document provides a brief overview of WisDOT's surplus land disposal policy and procedures administered by the property managers located in its regional offices. For disposal purposes, WisDOT's surplus lands are divided into three categories:

- General marketable – Parcels that have access and are of adequate size and shape so that they may be of interest to the general public.
- Non-marketable – Usually small parcels with only one abutter that lack access and the ability to be developed on their own. These parcels are normally made available only to the adjacent property owner.
- Limited marketable – Are non-marketable parcels that share a boundary with more than just one other property.

Prior to initiating disposal action, surplus parcels are reviewed in the regional office to ensure they are not needed for any future transportation use. A cultural resources review is also completed to determine if any archaeological or burial sites exist that may restrict use of the parcel. Final approval of sales occurs internally, except that those with an appraised value exceeding \$15,000, which requires Governor's office approval.

**METHODS OF SALE:** Depending on property characteristics, WisDOT will use one of the following methods for disposal of surplus parcels.

### Public sales:

- Auction – Surplus land is sold to the highest bidder meeting the advertised terms and conditions. A bid deposit is required at the time of the auction with remaining proceeds due at closing, usually within 30 days.
- Sealed bid – Similar to an auction, except that sealed bids, including a required deposit, are accepted and opened at a defined time and place where the bidders welcome, but not required, to attend bid openings. Unsuccessful bidders will have their deposits returned shortly after the successful bid is awarded. Detailed instructions are provided in sales bulletins. See "[sample sealed bid](#)" format.
- Realtor listing – Realtors are sometimes used to sell surplus parcels when WisDOT determines its public sale objectives will be best met by employing the services of a professional realtor. Offers are considered as received.

All public offerings are normally advertised in the local newspaper or other media sources depending on property type. Properties available for public sale will also be advertised on WisDOT's surplus land and property for sale or lease website at: <http://wisconsin.gov/Pages/doing-bus/real-estate/landsales/default.aspx>

### Private sales:

- Units of government – Prior to disposing of general marketable parcels at a public sale, they are first offered to the local municipality, county, school district and the Wisconsin Department of Natural Resources. A 60-day period is allowed for consideration and submittal of a letter formalizing their interest in acquiring the property for a qualifying public use. Payment of the appraised value is required unless a parcel's intended use is for a transportation purpose, wherein it may be sold at less than the appraised value. If no qualifying public body expresses an interest within the 60-day period, general marketable parcels are then offered through public sale.
- Abutting property owner – Private sale to an abutting property owner will normally occur only in the disposal of non-marketable parcels. Limited marketable parcels are sold through a sealed bid sale conducted between the abutting owners. WisDOT also has a program allowing for the disposal of non-marketable parcels to the abutter for no cost if they are valued at less than \$1,000. The intent of this program is to remove small, low value parcels with no independent utility from WisDOT's inventory and return them to the local tax rolls.

**VALUATION:** The fair market value of surplus parcels is established through an appraisal prepared by qualified WisDOT staff or its consultant fee appraisers.

**CONVEYANCE:** WisDOT does not warrant title to properties sold. As such, all property is conveyed by Quit Claim Deed. WisDOT arranges for preparation of legal descriptions and surveys if necessary for public sales.

**DEED RESTRICTIONS:** Deeds for properties sold will typically contain certain restrictions, including prohibition of off-premise advertising, right of occupancy for utilities located on the property at time of sale, and the right of WisDOT to bring legal action to enforce any violations. Other restrictions intended to protect the integrity of the adjacent highway, public safety or visual appeal may also apply. Examples include limitations on access and application of setbacks.

**BUYER RESPONSIBILITIES:** Because all properties are sold on an “as-is” basis, prospective buyers are strongly encouraged to use due diligence in researching facts about the property they are interested in, including tax rates, zoning, utility services and codes. A well-informed buyer will be best able to accurately judge the potential utility of the land.

**PAYMENT:** Personal checks are not accepted. The deposit accompanying a bid as well as payment for the final purchase of a surplus parcel must be a certified check, cashier’s check or money order with no exceptions.

**CLOSINGS:** Closing and transfer of title typically occurs within 30 days of sale approval, but may be extended at WisDOT’s discretion to allow time for the purchaser to arrange financing. WisDOT will record the Quit Claim Deed following the closing, and will provide the original to the purchaser.



To obtain more information on the surplus land and property sale or lease processes or if you have questions on a specific parcel, contact one of the WisDOT property managers listed below.

WISDOT CONTACTS		COUNTIES SERVED
<b>North Central</b>		
Rhineland & Wisconsin Rapids Offices	Patricia Massino 510 N Hanson Lake Road Rhineland WI 54501 715-365-5766 <a href="mailto:Patricia.Massino@dot.wi.gov">Patricia.Massino@dot.wi.gov</a>	Adams, Florence, Forest, Green Lake, Iron, Langlade, Lincoln, Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano, Vilas, Waupaca, Waushara, Wood
<b>Northeast</b>		
Green Bay Office	Ruth Johnson 944 Vanderperren Way Green Bay WI 54304 920-492-2386 <a href="mailto:Ruth.Johnson@dot.wi.gov">Ruth.Johnson@dot.wi.gov</a>	Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, Shawano, Sheboygan, Winnebago
<b>Northwest</b>		
Eau Claire and Superior Offices	Heather Dresel 718 W Clairemont Avenue Eau Claire WI 54701 715-836-4517 <a href="mailto:Heather.Dresel@dot.wi.gov">Heather.Dresel@dot.wi.gov</a>	Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Rusk, Sawyer, St. Croix, Taylor, Trempealeau and Washburn
<b>Southeast</b>		
Waukesha Office	Denise Waheed PO Box 798 Waukesha WI 53187-0798 262-521-5355 <a href="mailto:Denise.Waheed@dot.wi.gov">Denise.Waheed@dot.wi.gov</a>	Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, Waukesha
<b>Southwest</b>		
La Crosse & Madison Offices	Teri Weil 2101 Wright Street Madison WI 53704 608-246-5357 <a href="mailto:Teri.Weil@dot.wi.gov">Teri.Weil@dot.wi.gov</a>	Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, La Crosse, Lafayette, Monroe, Richland, Rock, Sauk and Vernon