

A Toolbox for LPAs

Updated 5/2021

Items described and included in this "LPA toolbox" are meant to serve as a brief summary and overview. This document is a very condensed version of procedures and samples of documentation that is necessary when acquiring real estate for construction projects with state and/or federal money used anywhere in the project. It is important to remember that other forms and documentation may also be needed in the process. Municipalities must contact their Local Program Real Estate Project Manager (LPREPM) before beginning the acquisition process. LPAs must work with a WisDOT LPREPM on projects with state/federal funds and must still work with WisDOT LPREPMs on projects with state/federal funds used in the design and/or construction and local funding in the real estate portion.

Sample Forms are available upon request. Official forms and letter templates are contained in READS (Real Estate Automated Data System) Contact your LPREPM for access

For State and/or Federal Funds in Real Estate

WisDOT approvals needed BEFORE acquisition begins:

- Environmental Report (ER) and Design Study Report (DSR) approved.
- Acquisition Stage Relocation Plan approved, if any relocations; submit to LPREPM and WisDOT Statewide Relocation Coordinator for review and approval.
- Qualified individual from Municipality completes Project Cost Estimate and submits to LPREPM.
- Right of Way Plat and Relocation Order approved and filed/recorded or Construction Plan complete if right of way costs, including utilities, are under \$1000; approved by municipalities.
- Real estate funding authorized by LPREPM.
- Acquisition Capabilities Statement - State and/or Federal Funding submitted to LPREPM for approval.
- Consultant contracts approved by LPREPM. Contracts must use WisDOT standard language and forms

Negotiations cannot begin until funding has been authorized and Relocation Order has been approved!

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Begin acquisition process:

- Conduct Startup Meeting.
- Order title searches.
- Create the Sales Study or Expanded Sales Study; verify w/LPREPM to determine which type should be done on project; WisDOT approves.
- Determine which parcels need appraisals and which will utilize waiver valuations (under \$25,000 in damages).
- Send letter to all property owners on plat along w/brochure 'Rights of Landowners Under Wisconsin Eminent Domain Law' informing them of upcoming project and staking to be done on their property.
- Create Nominal Payment Parcel Report (NPPR) to report waiver offering prices based on Sales Study/Extended Sales Study; submit report w/supporting information to LPREPM for approval.
- Complete appraisals; submit appraisal with Offering Price Report & Submittal for WisDOT approval.
- Create parcel file with Negotiation Diary and all appropriate documents needed for negotiations; file must also have any correspondence sent or received.
- Meet with property owner; explain 'Rights of Landowners...' brochure, discuss project impacts to their property; present offer; and listen and respond to owner questions and concerns.
- Documents requiring owner's signatures: Conveyance w/legal description, Nominal Payment Parcel - Waiver Of Appraisal (If Applicable), Statement to Construction Engineer, Closing Statement, and form IRS W-9 (if proceeds are \$600+).
- Obtain Partial Releases of Mortgage
- Negotiation Diary: Throughout the process, document "tell the story" all conversations/correspondence about the specific parcel; note owner concerns, questions, etc. (see sample diary in packet). Note when owner has been paid and when conveyance was sent for recording; negotiator must sign full name on first entry, then initials on all others; negotiator must sign and date bottom when negotiations are completed.
- Cut check and deliver/mail to property owner; owner MUST be paid BEFORE conveyance can be recorded!
- Record conveyance. Temporary Limited Easements (TLE) and Temporary Right of Entry Easements should be recorded.
- Complete Certification of Local Public Agency (LPA) Right of Way Acquisition and send it with supporting documentation to LPREPM upon completion of all acquisition
- If requesting reimbursement, follow the process in the LP Real Estate Manual and work with LPREPM

For Local Funds Only Used for Real Estate Acquisition

WisDOT approvals needed BEFORE acquisition begins:

- Environmental Report (ER) and Design Study Report (DSR) approved.
- Acquisition Stage Relocation Plan approved, if any relocations.
- Right of Way Plat and Relocation Order approved and filed/recorded or Construction Plan complete if right of way costs, including utilities, are under \$1000.
- Acquisition Capabilities Statement - Local Funding.
- Contracts approved (e.g., title searches; negotiations; appraisals; relocation, if applicable).

Negotiations cannot begin until Plat and Relocation Order has been filed or recorded!

(Work with LPREPM on proper procedure for filing or recording of Plat and Relocation Order)

Begin acquisition process:

- Conduct Startup Meeting.
- Order title searches.
- Create the Sales Study or Expanded Sales Study; verify w/LPREPM to determine which type should be done on project
- Determine which parcels need appraisals and which will utilize waiver valuations (under \$25,000 in damages).
- Send letter to all property owners on plat along w/brochure 'Rights of Landowners Under Wisconsin Eminent Domain Law' informing them of upcoming project and staking to be done on their property.
- Create document to report waiver offering prices based on Sales Study/Extended Sales Study; suggest using Nominal Payment Parcel Report (NPPR).
- Complete appraisals, conduct appraisal review and approve.
- Create parcel file with Negotiation Diary and all appropriate documents needed for negotiations; file must also have any correspondence sent or received.
- Meet with property owner; explain 'Rights of Landowners...' brochure, discuss project impacts to their property; present offer; and listen and respond to owner questions and concerns.
- Documents requiring owner's signatures: Conveyance w/legal description, Nominal Payment Parcel - Waiver Of Appraisal (If Applicable), Statement to Construction Engineer, Closing Statement, and form IRS W-9 (if proceeds are \$600+).
- Obtain Partial Releases of Mortgage or follow project and parcel risk assessment in the LP Real Estate Manual 6.3.4.1
- Negotiation Diary: Throughout the process, document "tell the story" all conversations/correspondence about the specific parcel; note owner concerns, questions, etc. (see sample diary in packet). Note when owner has been paid and when conveyance was sent for recording; negotiator must sign full name on first entry, then initials on all others; negotiator must sign and date bottom when negotiations are completed.
- Cut check and deliver/mail to property owner; owner MUST be paid BEFORE conveyance can be recorded!
- Record conveyance. Temporary Limited Easements (TLE) and Temporary Right of Entry Easements should be recorded.
- Complete Certification of Local Public Agency (LPA) Right of Way Acquisition and send it with supporting documentation to LPREPM upon completion of all acquisition

IMPORTANT REMINDERS & NOTES...

- *Work with LPREPM on required documentation needed for your files, and to understand exactly what they need for their files, and what documents are required for the WisDOT files.*
 - *All files are subject to review throughout the project by the LPREPM, as well as state and/or federal audits to verify LPAs have followed the Uniform Act and have maintained appropriate documentation for each project and parcel file.*
 - *This is a very condensed version of the acquisition process. It was developed as a basic "LPA toolbox" only. You must reference the Real Estate Program Manual (REPM) and the LP Real Estate Manual for additional acquisition procedures or contact your LPREPM. Access to both WisDOT manuals is available through the Wisconsin Department of Transportation website.*
 - *Official forms and letter templates are contained in READS (Real Estate Automated Data System)*
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Attachments: LPREPM contacts, sample PSE schedule, sample startup meeting agenda, diary sample, Waiver of Appraisal offering package checklist, Appraisal offering package checklist, LPA PROJECT file checklist; LPA Waiver of Appraisal parcel file checklist, LPA Appraisal parcel file checklist