

**Transportation Real Estate Records**  
*Records Retention/Disposition Authorization*  
*Wisconsin Department of Transportation (395)*

*Division: Transportation Systems Development*

*Bureau: Technical Services*

*Code: 071*

**Real Estate Program Authorities/Description**

The DOT is authorized to acquire real estate for highway right-of-way projects. Federal authorities include:

- Uniform Relocation and Real Property Acquisitions Policies of 1970 as amended
- Code of Federal Regulations (CFR) Part 24.103

Wisconsin authorities are also specified:

- Chapter 32, Eminent Domain, Wis. Stats., especially 32.05 Condemnation and 32.09, Just Compensation
- S 84.09, Wis. Stats. Acquisition of lands and interests therein and 84.093, Wis. Stats., Cooperative acquisition of rights-of-way
- S. 85.04, Acquisition of replacement lands, and s. 85.15 Property management (Last is specific to property mgmt.)

This records schedule identifies records used to acquire land parcels during the real estate acquisition process for particular highway right-of-way projects. Records include but are not limited to: appraisal, negotiation, condemnation, relocation, property management, and easements. Property deeds, plats and other conveyance documents document DOT property ownership and are recorded with County Registers of Deeds.

**Electronic Data Records**

This records schedule also covers selected records in electronic media.

- **Real Estate Automated Data System (READS):** READS, currently an Access database, is a transactional system that generates letters, forms and status information during the real estate negotiation and acquisition process. It tracks acquisition, relocation, and property management activities. Convenience copies of READS data may be available in other systems such as PMP (Project Management Plan) and HAMS (Highway Access Management System).

These records may be utilized by the Real Estate offices but are managed by other WisDOT units and will be covered in other records schedules.

- **Right-of-Way Plats and Transportation Project Plans (TPPs):** These applications provide electronic access for the department to the Right of Way (R/W) Plats and Transportation Project Plans (TPPs) anywhere in the state, based on the location of real estate projects. These documents also contain imaged versions of certain real estate documents, i.e. conveyance documents and relocation plans. NOTE: These records have broad department-wide use for multiple activities related to the life of a highway project. Plats and TPPs will be covered as part of the Project Development records schedule.
- **Eplans:** EPlans are electronic originals and are stored on a shared WisDOT drive that all staff may use. Eplans refer to Plans, Specifications and Estimates (PS&E) documents. Eplans logically belong in the Project Development functional area. They relate to planned, proposed, ongoing, and completed highway projects.
- **Highway Access Management System (HAMS):** This Oracle database includes GIS layers and indexed image versions of key documents. The system maintains information on records related to access management and various types of highway permits. The system also includes certain information on real estate acquisitions extracted from the Real Estate Automated Data System (READS).

**Confidential records series:** Records are not generally confidential. However, at certain stages of property negotiation or appraisal, particular records may be confidential. Certain litigation records may contain attorney-client privileged records. The Balancing Act may be applied to individual records requests.

**Personally identifiable information:** Records may contain personally identifiable information including names, addresses, social security numbers, telephone numbers (unlisted), financial records for landowners.

**Related Records Series:** WisDOT staff shall follow the retention provisions specified in other approved retention schedules, including Statewide General Records Schedules: For records common to all state agencies, retention policies have been established. For a list of schedules see the DOA Records Management Web page: [http://www.doa.state.wi.us/docs\\_list.asp?doccatid=7](http://www.doa.state.wi.us/docs_list.asp?doccatid=7)

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**Location of Records and Copies**

The Real Estate function is located in the Division of Transportation System Development (DTSD), Bureau of Technical Services and in regional Technical Services offices. The Acquisition & Services Section and Appraisal/Relocation & Property Management Section in central office and in DOT regions oversee these projects from inception to final payout for all parcels involved in the particular right-of-way project. This schedule specifies the designated location of the official copy of records for each records series and also identifies retention policies for all copies, in all locations and in all records media. Some are in Central office and others are in regions.

**Official Record(s):** The official record is the most complete and up-to-date version of the record, as listed for each series. This is the copy that needs to be retained for the longest period of time, generally located in WisDOT Regional Office Real Estate Section, and/or Central Real Estate Files.

**Region Copies:** Regions may maintain working copies of records during the process of acquiring lands and throughout the highway construction project process in order to conduct business with landowners and assist in highway development. Working copies and reference files are maintained in paper or electronic format, or both, as needed for access to information. After land acquisition is complete, all staff will rely increasingly on shared electronic versions of records, especially those in READS. Regional paper copies are not sent to offsite storage sites.

**Convenience and Other Copies:** For all copies maintained for convenience of reference only:

- Do not invest resources in automating or converting convenience copies of files.
- Do not send copies to storage or retain them longer than the official copy of record.

**Staff Working/Convenience Copies:** Staff in central or other regional offices may also have duplicate copies of program records described in this schedule to meet short-term business needs. These working/convenience copies are considered non-records under s. 18.61(2), Wis. Stats. These copies are to be retained until no longer needed and then destroyed. Do not maintain unnecessary duplicate copies. Do not send copies to storage or retain them longer than the retention periods specified for the official copy of record specified in this schedule.

Approval Signatures:

[Signature] 10/2/07  
WisDOT Program Manager Date

[Signature] 10/5/2007  
WisDOT Legal Counsel Date

[Signature] 10/3/07  
WisDOT Records Coordinator Date

[Signature] 10/2/2007  
WisDOT Records Officer Date

PUBLIC Records Board Approval: Contingent on restrictions on record destruction contained in s. 19.35(5), Wis. Stats. (Open Records Law), and that no records be destroyed if litigation or audit involving these records has commenced.

[Signature] DEC 5 2007  
State Archivist Date

[Signature] 12-14-07  
Executive Secretary - PRB Date

APPROVAL SUBJECT TO 10-YEAR  
SUNSET. RESUBMITTAL REQUIRED

PRB Approval Date:

PRIOR TO November 26, 2017 Real Estate Functional RDA 10/1/2007

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00120 (Existing RDA Revised)	0	<p><b>Real Estate Parcel Conveyance Case File - Paper:</b> Records in this series document DOT highway right of way ownership and terms and conditions related to each parcel acquired. This series provides complete documentation of DOT property rights. Items in this series include official documents recorded with the County Register of Deeds. The DOT has ongoing business needs to reference these records throughout development of a highway project and beyond, as transportation plans and projects are updated over time. The business need for these records is for the duration of DOT ownership of the right-of-way. Items in this series include:</p> <ul style="list-style-type: none"> <li>• Warranty Deed</li> <li>• Quit Claim Deeds – property owners, utility release of property rights</li> <li>• Utility Conveyance of Rights in Land DT 1660 form: specifies that utilities are entitled to future compensation (used when they are required to move facilities per Trans 220)</li> <li>• Satisfactions of Mortgage, Partial Releases of Mortgage</li> <li>• Lis pendens (notice of pending action) with Jurisdictional offer and Discharge of Lis pendens – documents relating to potential condemnation.</li> <li>• Awards of Damages: conveyance used when acquisition is by condemnation.</li> <li>• Relocation Orders</li> <li>• Right-of-way plat(s) and/or Transportation Project Plats (TPPs) – Electronic images of TPPs are stored in PDF format in RWPlats system, and since 2002 the TPP filed includes the relocation order. Plats show all lands/parcels involved in the project.</li> <li>• Revocable Occupancy Permits</li> <li>• Permanent Limited Highway Easements: NOTE: These will be specified on deeds.</li> <li>• Scenic Easements: NOTE: These will be specified on deeds</li> </ul> <p><b>RETENTION: Event (microfilmed) + 5 years and destroy</b></p>	1920 -	Paper	<b>Official:</b> Madison Real Estate Unit	EVENT (Microfilmed) + 5 years and destroy
				Paper	<b>Official Reference Copy:</b> Some WisDOT Regional offices	Permanent
00120 (Existing RDA Revised)	A	<p><b>Real Estate Parcel Conveyance Case File – Microfilm:</b> The Department microfilms copies of some documents. Microfilm is maintained for archival purposes. Records date to 1920.</p>	1920	Microfilm	<b>Official Copy:</b> Central Real Estate	Permanent
00120 (New RDA)	B	<p><b>Real Estate Parcel Conveyance Case File – Image:</b> The Department has begun to maintain image files of some documents (in particular R/W plats), created either with electronic tools or by scanning the images. This is a ready reference file for all DOT staff and a cost-effective and efficient method of responding to Open Records requests for these records and providing information to the public. Image files need to be migrated as technology changes.</p>	1920	Image	<b>Official Copy:</b> DTSD Regional Offices	Permanent

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00380 Existi ng RDA (Revis ed)	0	<p><b>Real Estate Right-of-Way Project Case Files:</b> Records are created to document, manage and track the overall highway right-of-way project and include:</p> <ul style="list-style-type: none"> <li>• Sales Study books – created to compare land values</li> <li>• Public Comment: Real Estate informational meeting agendas and notes, correspondence – design and construction files</li> <li>• Relocation Program Plan – for the overall highway project</li> <li>• Project Expenditure summary reports.</li> <li>• Property Inventory report</li> <li>• General project correspondence, overall budget, timelines, and management reports.</li> <li>• May include Contract copies: appraisal, title company, relocation and removal.</li> </ul> <p>Retention: EVENT (Project financial closure) + 5 years and destroy.</p>	1920	Paper 12 c.f.	<b>Official:</b> WisDOT DTSD Regional Offices	EVENT (Project Financial closure) + 5 years and destroy.
00380 (New RDA)	A	<p><b>Real Estate Parcel Appraisal and Negotiation Case File:</b> Records in this series document the DOT property appraisal, negotiation and purchasing process for highway project lands, NOT including final proof of purchase documents (See Real Estate Parcel Conveyance Case File). Records relate to individual parcels and may include:</p> <ul style="list-style-type: none"> <li>• Parcel checklist</li> <li>• Title search and title reports</li> <li>• Appraisal documents: Sales studies, State and Owners Appraisals, Appraisal Review Sheets,</li> <li>• Miscellaneous Folder – contains parcel information for Nominal Waiver of Appraisal parcels with valuations of \$10,000 or less</li> <li>• Property Negotiations: Parcel negotiation diaries, Offering Price Approvals Administrative Revision Approvals, Purchase agreements</li> <li>• Relocation Case Files: Relocation Plan, Relocation Case Reports, Relocation Claims and Summary of Benefits, Relocation Determination of Benefits</li> <li>• Temporary Limited Easements (Temporary Interest Easements)</li> <li>• Miscellaneous Folder – contains parcel information for parcels with appraised values</li> <li>• Disposition of Tax Proration</li> <li>• Closing Statements, including summary of payments</li> </ul> <p>Retention: Financial closure (Right-of-way project and federal audit completed = financial close date) + 5 years and destroy.</p>	1920	Paper and Elec	<b>Official:</b> WisDOT DTSD Regional Offices	EVENT (Financial closure) + 5 years and destroy.

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00380 (New RDA)	B	<p><b>Commitments:</b> In the process of negotiating to purchase lands, WisDOT may make specific commitments to the landowner outside of land purchase terms and conditions. Contractors use commitments to clarify any agreed upon conditions between the landowner and the state's representative during the construction process. The commitment document is part of the real estate closing, signed by the Agent with owner sign off authority and either the WisDOT Real Estate Supervisor or Construction Supervisor. Commitment ends upon road opening to public. Examples of commitments include:</p> <ul style="list-style-type: none"> <li>• Driveway, slopes, right-of-way condition after project (reseeding, planting, landscaping)</li> <li>• Short-term owner leases: 1-year renewable, 5 years: e.g., to continue use of the property after DOT acquisition, but before highway construction begins, e.g., for farming, or until relocation is completed. These leases are not usually recorded with County Registers of Deeds.</li> </ul> <p>Commitments need to be retained until EVENT (road opens) + 3 years and destroy.</p>			<p><b>Official:</b> Region Real Estate</p> <p>Construction Supervisor file – part of project file.</p>	EVENT (Road opens) + 3 years and destroy
00380 (New RDA)	C	<p><b>Revocable Occupancy Permits:</b> When purchasing real estate, the WisDOT may acquire lands that will not be used immediately for a highway construction project. WisDOT may issue revocable occupancy permits for existing encroachments on existing right-of-way. Records in this series are permits between the WisDOT and occupants that permit use of WisDOT land for purposes specified in each permit. Official copies are maintained in either the Region Highway Maintenance or Real Estate Office, depending on the Region.</p> <p>Retention: EVENT (permit terminated - superseded or revoked) + 10 years and destroy.</p>			<p><b>Official:</b> Region Highway Maintenance or Real Estate</p>	EVENT (Permit terminated) + 10 years and destroy
00380 (New RDA)	D	<p><b>Real Estate Project Litigation Case Files:</b> Records in this series include administrative actions, appeals and litigation relating to property acquisition. Property owners may dispute the amount of damages for their property and take legal action. The following records document these actions:</p> <ul style="list-style-type: none"> <li>• Administrative Hearing Records: DOT Legal Counsel represents the Department, and issues a determination. Hearing records may include filings, testimony and the hearing decision.</li> <li>• Hearing Appeal: The owner files an appeal to the court, where the decision is made. The Department of Justice represents the State in appeal cases, and DOT Legal Counsel provides hearing records as needed for the case to Dept. of Justice Attorneys General.</li> <li>• Court litigation: The property owner may initiate an action directly with the court. In these cases, the Department of Justice Attorneys General represents the interests of the State.</li> </ul> <p>Department of Justice and Wisconsin Courts will create case files whenever actions reach the level of court action, and these records will be retained per their retention policies. Files in the Department may differ somewhat from court records.</p> <p>Retention: EVENT (Financial closure of the project) + 5 years and destroy.</p>	1920 -	Paper	<p><b>Official:</b> Regions Real Estate</p>	EVENT (Financial close of the project) + 5 years and destroy.

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00193	0	<p><b>Excess Lands Case Files:</b> In the process of acquiring lands, the DOT may acquire parcels containing land in excess of that needed for the project. Excess lands are often remnant properties that are too small to have continuing value to the property owner, e.g., with diminished access to usable acreage. When lands are also not needed for the right-of-way project, the Department identifies the land as Excess and may also declare it as surplus in order to sell or lease it. Records in this series include:</p> <ul style="list-style-type: none"> <li>• Copy of the Quit Claim Deed (official DOT copy in Conveyance Document file)</li> <li>• Property Inventory Report - acreage and value of land specified, generated by READS</li> <li>• Copy of plat or TPP</li> <li>• Related records that identify property characteristics</li> </ul> <p>Retention: EVENT (land is sold or transferred) + 5 years and destroy.</p>	1920 -	Paper	<p><b>Official Copy:</b> Regions</p> <p>Copy: Real Estate Section, Central office</p>	EVENT (land sold or transfer + 5 years and destroy)
00194	0	<p><b>Surplus Right of Way Land Sale Case Files:</b> Records in this series detail the WisDOT processes and procedures to sell surplus Right of Way real property sites and improvements. The Surplus Lands Officer, Central Office, Real Estate manages these sales. Records in this series include:</p> <ul style="list-style-type: none"> <li>• Real estate property description, maps and related records: <ul style="list-style-type: none"> <li>o From Parcel appraisal folders for property with \$10,000 or more appraised value</li> <li>o Real Estate Parcel Miscellaneous Folder for lesser value properties under \$10,000</li> </ul> </li> <li>• Advertisement</li> <li>• Bid</li> <li>• Form 1134, Request to Sell Right of Way Improvement Acquired</li> <li>• Form 1135, Photographs</li> <li>• Location Map</li> <li>• Improvement Removal</li> <li>• Property Description and Plat</li> <li>• Resolution declaring land excess</li> <li>• Submission of paperwork/approvals WisDOT Secretary and Governor.</li> <li>• Copies of Conveyance documents to Registers of Deeds</li> </ul> <p>Retention: EVENT (date sold) + 5 years and destroy</p>	1920 -	Paper	<p><b>Official Copy:</b> Real Estate, Central</p> <p>Region copies:</p>	EVENT (Date Sold) + 5 years and destroy
00194	A	<p><b>Surplus Land Sale Case File – Microfilm:</b> When surplus lands are sold, WisDOT Central Office Real Estate creates a scanned image file containing:</p> <ul style="list-style-type: none"> <li>• Deed and plat showing DOT acquired this land – may be scanned from microfilm records</li> <li>• Conveyance documents filed with county Registers of Deeds.</li> </ul> <p>Copies are sent to regions, and image files may also be maintained in Central Office Real Estate Files.</p>	1920 -	Microfilm	<p><b>Official:</b> Real Estate, Central</p> <p>Region copies</p>	Permanent

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00195	0	<b>READS (Real Estate) Master Project and Parcel Data:</b> READS is a collection of MS Access relational databases used to identify DOT properties, track real estate program actions, generate reports and key documents, and transact real estate business for highway right-of-way projects. Data includes key property inventory information, such as acreage, property land parameters, negotiation diary data, litigation actions, individual parcel appraisal allocations, negotiation through parcel closing. Other data facilitates the land payment processes, relocation claims, property management and leases, property inventory and sale/disposal of surplus lands. Inputs: Regional Real Estate Specialists enter selected data from project and parcel diaries, generate letters and forms, status reports and project information throughout each Real Estate acquisition project. Retention: EVENT: Project financial close + 5 years and destroy.	1992 -	Elec	<b>Official Copy:</b> Regional READS databases	EVENT: Project financial close + 5 years and destroy.
					Copy: Statewide READS database	Same as above
00197	0	<b>READS Ad Hoc Output Reports:</b> The READS application generates 67 standard reports and 55 standard letters used in the real estate transaction process. Real Estate Specialists use some forms to track negotiations and project status, send letters to landowners and may also put paper copies into project or parcel files. Key documents that need to be maintained in files are specified in RDAs above. Reports include lists of parcels related to particular projects, Lists of Surplus Lands, Lists of Excess Lands, etc. Ad hoc outputs, routine status reports and specialized reports and data extracts are generated on an as needed basis to meet requests for information or specific reference needs. Since data is retained in READS throughout the Real Estate project time line, ad hoc reports do not need to be retained. Retention: EVENT: Not needed and destroy.	1992 -	Paper	All reports, all locations	EVENT: Not needed and destroy

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<b>Local Roads Real Estate Records Series</b>						
<b>00196</b>	<b>0</b>	<p><b>DOT Local Road Real Estate Case Files:</b> When State or federal funding is involved; WisDOT (and/or Mgmt. Consultant) maintains records to illustrate oversight. Records usually are generated at the Local Road Project level. On occasion there are parcel files, depending on complexity of the project and parcel negotiations. If/when local road case file records are collected they may include:</p> <ul style="list-style-type: none"> <li>• Local agency contacts. If locals hire consultants or other agents: WisDOT approves</li> <li>• Sales study - central office approves</li> <li>• Nominal payment parcel report</li> <li>• Nominal payment waiver for appraisal - If negotiator changes value - region approves</li> <li>• Appraisals</li> <li>• Admin revisions to offering price</li> <li>• Deeds and conveyance documents</li> <li>• Jurisdictional offers</li> <li>• Awards of damages copies with WisDOT or consultant</li> <li>• WisDOT CERTIFICATION: The Department certifies Right-of-way on the project, says all parcels acquired, relocation of people, and it is ready to be let. LPA Coordinator sends certification to Madison.</li> </ul> <p>Retention: EVENT (financial close) + 5 years and destroy.</p>		Paper	<p><b>Official:</b> LPA Management Consultant</p> <p>Copy: Region project file</p>	<p>EVENT (financial close) + 5 years and destroy.</p> <p>Same as above</p>
<b>00196</b>	<b>A</b>	<p><b>Local Public Agency Real Estate Acquisition Files:</b> The Regional Management Consultant LPA Coordinator maintains these records. DOT is charged with oversight of local road acquisition. Currently, Management Consultant is hired to do most of the work (on a Master contract) Mgmt. Consultant does 70% of document collection. Oversight applies:</p> <ul style="list-style-type: none"> <li>• If State or fed funding in local road right-of-way: Project ID # assigned. Requires most extensive WisDOT oversight</li> <li>• If state or federal funding in design or construction, not in Right-of-way: Construction ID # assigned. Some WisDOT approvals and oversight required. NOTE: When design consultant hired for local road, DOT approves the contract. This should also trigger a notice to regional LPA Coordinator and Mgmt. Consultant.</li> <li>• If NO state or fed funding at all: Construction ID # assigned. Regional Management Consultant LPA Coordinator and WisDOT may or may not see any documents at all. Locals are required to maintain complete records.</li> </ul> <p>Retention: EVENT (financial close) + 5 years, destroy.</p>		Paper	<p><b>Official:</b> LPA Management Consultant</p> <p>Copy: Region project file</p>	<p>EVENT (financial close) + 5 years and destroy.</p> <p>Same as above</p>