

FACILITIES DEVELOPMENT MANUAL

Wisconsin Department of Transportation

TABLE OF CONTENTS

Chapter 7: Access Control

Section 7-1 Introduction

- 7-1-1 Purpose and Benefits
 - 1.1 Originator
 - 1.2 General

Section 7-5 Access Management System Plan

- 7-5-1 General
 - 1.1 Plan Purpose
 - 1.2 The Plan
 - 1.3 Considerations and Strategies for Application of Access Management Tools
- Attachment 1.1 Access Management System Plan

Section 7-10 Methods of Control

- 7-10-1 Overview
 - 1.1 Administrative Access Control
 - 1.2 Purchased Access Control
 - 1.3 Driveway Permitting
 - 1.4 Access Covenants
 - 1.5 Other Tools for Corridor Access Management
 - 1.6 Freeway or Expressway Designation
 - 1.7 Subdivision Review
 - 1.8 Other Land Divisions Review
 - 1.9 Scenic Easements
 - 1.10 Design/Engineering Techniques
- Attachment 1.1 Recordable Access Control Forms
- Attachment 1.2 Access - Related Documents

Section 7-15 Administrative Access Control (Control by Section 84.25)

- 7-15-1 General
 - 1.1 Definition
 - 1.2 Application Criteria
 - 1.3 Restricting the Type of Access
 - 1.4 Access Control Along Intersecting Streets and Highways
- Attachment 1.1 Sample Form DT2049, Resolution - Controlled Access Project
- 7-15-5 Establishing and Altering Access Controls
 - 5.1 Establishing An 84.25 Access Control Project
 - 5.2 Altering Access on Controlled Highways
 - 5.3 Reviewing Requests and Altering Access
 - 5.4 Class 3 Notices
 - 5.5 84.25 Controlled Access Project Unique Identifier
- Attachment 5.1 Procedure for Establishing Access Control Projects
- Attachment 5.2 Sample Form DT2050 Revocation - Highway Authorization
- Attachment 5.3 Samples of Form DT2048, Controlled Access Highway Authorization
- Attachment 5.4 Sample Access Control Map
- Attachment 5.5 Sample Notice of Public Hearing for Designating as a Controlled Access Highway
- Attachment 5.6 Suggested Wording for Authorizations
- Attachment 5.7 Sample DT2243 - Finding, Determination and Declaration

Attachment 5.8	.....Sample Form DT2047 Notice of Nonaccess
Attachment 5.9	.....WisDOT Statewide Guidelines for 84.25 Controlled Access Map and Authorizations
Attachment 5.10	.....Sample 84.25 Controlled Access Public Interest Statement
Attachment 5.11	.....Sample Access Modification Request Decision Document
Attachment 5.12	.....Sample Format for Post Hearing Report
7-15-10	.....Miscellaneous Provisions
10.1	...Vacating Controlled Access
10.2	...Updating Controlled Access Projects
Attachment 10.1	.....Example Orders to Vacate a Portion of Controlled-Access Highway
Attachment 10.2	.....Procedure for Updating Access Control Projects

Section 7-20 Purchased Access Control (Control by Section 84.09)

7-20-1	.....General
1.1	.....Definition
1.2	.....Application Criteria
1.3	.....Limiting the Type of Access
7-20-5	.....Establishing and Altering Access Controls
5.1	.....Establishing Access Control
5.2	.....Altering Purchased Access Control
5.3	.....Transfer or Sale of Access Rights
Attachment 5.1	.....Notice of Nonaccess Highway

Section 7-25 STH Connection Permitting

7-25-1	.....General
1.1	.....Authority
1.2	.....Responsibility
1.3	.....Routes with Access Control
1.4	.....Routes with No Access Control
Attachment 1.1	.....Sample Denial Letter

Section 7-30 Access Covenants

7-30-1	.....General
1.1	.....Obtaining Access Covenants
Attachment 1.1	.....Form DT1669, Covenant - Subdivision Access
Attachment 1.2	.....Form DT1646, Covenant- Permit Access

Section 7-35 Corridor Access Management

7-35-1	.....Introduction
7-35-5	.....Analytical Activities
5.1	.....Current Traffic and Traffic Forecasts
5.2	.....Congestion
5.3	.....Needs and Costs Estimates
5.4	.....Economic Development
5.5	.....Environmental Impacts
7-35-10	.....Additional Tools for Managing Access
10.1	...Land Use/Access Management Plans
10.2	...Traffic Impact Analyses (TIAs)
10.3	...Land Division/Development Review
10.4	...Joint and Cross Access Easements
10.5	...Official Mapping
10.6	...Zoning Revision/Site Plan Review
10.7	...Zoning/Land Use Planning Input
Attachment 10.1	.....Sample Letter to Local Units of Government

Section 7-40 Freeway/Expressway Designation Statute 84.295

7-40-1	.....General
1.1	.....Introduction
1.2	.....Definitions

1.3.....	Relationship to Other Statutes
1.4.....	Wis. Stat. 84.295 - Understanding the Difference Between Designation Action and Mapping Action
7-40-5	Wisconsin Statutes 84.295 Designation Action
5.1.....	Introduction
5.2.....	Statutory Criteria for Candidate Eligibility for Wis. Stat. 84.295 Designation
5.3 ...	Department Criteria for Candidate Eligibility for Wis. Stat. 84.295 Designation
5.4 ...	How Access Rights and Public Involvement Can Affect When and How Wis. Stat. 84.295 Designation Can Be Applied
5.5 ...	Designation Action Approval and Implementation Process
7-40-10	Wisconsin Statutes 84.295(10) Mapping of Future Right-of-Way Widths on Designated Freeways or Expressways
10.1.....	Introduction
10.2.....	Appropriate Scenarios for Use of Wis. Stat. 84.295(10) Mapping
10.3.....	Other Considerations with Mapping
10.4	Mapping Action Approval and Implementation Process
10.5	Advanced Acquisitions of Wisconsin Statute 84.295(10) Mapped Future Right-of-Way
Attachment 10.1....	Sample Finding Determination and Order, DT2169
Attachment 10.2....	Sample Notice of Non-Access Highway, DT2051
Attachment 10.3....	Sample Notice and Order Establishing Locations and Right of Way Widths for Future Freeways and Expressway, DT1536 and attachment
Attachment 10.4....	Sample Map
Attachment 10.5....	Sample Cover Document for Recording Map, DT2203
Attachment 10.6....	Sample Cover Letter to Property Owners
Attachment 10.7....	Partial Release from Order Establishing Locations and Right-of-Way Widths-Future Freeways (Sample)
Attachment 10.8....	Notice of Intent to Designate (NOITD) Wis. Stat. 84.295

Section 7-50 Subdivision Plat Review

7-50-1	Overview
1.1.....	Subdivisions
1.2.....	Other Land Divisions
7-50-5	Abutting Subdivision Plats
5.1.....	Subdivision Review Process
5.2.....	Modifications to Existing Land Divisions
5.3.....	Assessor's Plats
5.4.....	File Retention
5.5.....	Enforcement
Attachment 5.1	Subdivision Plat Review
Attachment 5.2	Trans. 233 Implementation Guidance
Attachment 5.3	Drainage Information Checklist or Trans. 233 Land Divisions
Attachment 5.4	Drainage Design Summary for Trans. 233 Land Divisions
7-50-10	Non-Abutting Subdivision Plats
7-50-15	Informal Review of Zoning and Development Plans
15.1....	General
15.2....	Planned Unit Developments
15.3....	Zoning Changes
15.4....	Special Exceptions

Section 7-55 Scenic Easements

7-55-1	General
1.1.....	History of Scenic Easements
1.2.....	Scenic Easements
1.3.....	Purpose
1.4.....	Scenic Easement Areas
1.5.....	Typical Scenic Easement Terms
1.6.....	Enforcement of Scenic Easements
1.7.....	Acquiring Scenic Easements
1.8.....	Anticipated Future Use
1.9.....	Scenic Easement Summary



FDM 7-1-1 Purpose and Benefits

July 28, 2011

1.1 Originator

The Director of the Bureau of Technical Services is the originator of this chapter. All questions and comments about the contents of this chapter should be directed to Michael Roach at (608) 516-6340.

1.2 General

Access management is the process of planning and maintaining appropriate access spacing, access-point design, and total number of access points to a highway system. The benefits of access management are substantial, and access management actions are expected to be cost effective. The goals of access management are to:

- Protect the public investment in highway facilities;
- Protect the function of state highways;
- Preserve operational safety, capacity and efficiency;
- Promote orderly development of adjacent properties;
- Minimize long-range adverse impacts of future improvements;
- Minimize maintenance costs;
- Delay or eliminate the need to expand or relocate a facility;
- Permit expansion of two-lane facilities to four-lane facilities on the existing location, eliminating the need to completely relocate the facility.

WisDOT intends to provide these benefits to the state trunk highway system by implementing reasonable access management provisions.

The department recognizes that, in implementing access management, a balance must be sought among the following:

- The interests of highway users and the owners or occupants of nearby lands;
- Public investments in highway improvement and maintenance;
- Desirable land development.

This balance requires that access reasonably and suitably accommodates landowners' use of their property while providing a safe and efficient highway.

Therefore, it is not the intent that access management actions limit, restrict, or otherwise reduce access below a point that is deemed by WisDOT to be necessary and adaptable to serve the needs of the landowners. The intent of access management is to allow adequate, safe, and reasonably convenient access to land and land uses, consistent with the interest of public safety and the preservation of the public investment in the highway facility.

The following is a list of tools used by WisDOT to manage access on state highways. Each of these tools is described in detail in following sections of this chapter.

- Statutory control of highway access
- Purchase of access rights
- Driveway permitting
- Access covenants
- Land use/access management plans
- Transportation impact analyses
- Land division/development proposal review
- Joint access easement agreements
- Official mapping
- Early review of local rezoning and/or site plan development
- Input into local zoning ordinances and land use plans that affect state highways

- Freeway or expressway designation
- Subdivision plat review
- Scenic easements
- Access spacing and design guidelines
- Interchange and frontage road spacing and design.



FDM 7-5-1 General

December 22, 2011

This procedure is applicable to region planning staff involved in establishing access controls independent of the improvement program and to the project delivery scoping process where design decisions due to existing access control and opportunities to meet other Department access management goals are determined for highway improvement projects.

The State Access Management Plan (SAMP) was adopted as part of the Connections 2030 statewide long-range multimodal transportation plan in October of 2009, and defines the vision and policy for appropriate access on Wisconsin's state trunk highway system. WisDOT has an array of access management tools available to address the Department's access management goals. Many of these tools are reserved for special situations outside the project development process, while others are more universally applicable and of high value for implementation as part of an improvement project.

1.1 Plan Purpose

The SAMP was developed to provide a system-wide plan to focus access management efforts where they would be most beneficial, encourage consistency in access management administration across the state, correlate the proper access management tools to proper situations and coordinate controls at region boundaries. The SAMP uses a Tier-designation approach to allow consistent application of the level of access management to be employed on any section of state highway.

1.2 The Plan

The SAMP is shown in [Attachment 1.1](#) and is composed of five (5) tiers.

The SAMP tiers are defined correlating access control standards that maximize the following system mobility and operational criteria:

- Interstate or statewide mobility goals.
- Interregional traffic movement.
- Regional and intra-urban traffic movement.
- Traffic movement needs with individual property access.

Tables 1.1 and 1.2 show the correlation of specific access management plan desires for each tier of highway and tools to maximize the operational and mobility goals for the system. Department staff will follow these SAMP guidelines for new and existing access as closely as possible to achieve the plan's vision.

Region corridor plans, local comprehensive plans, several state statutes and administrative codes can help to support implementation of the SAMP. To ensure full integration into WisDOT activities, implementation of the SAMP should be an integral component of the corridor management program efforts, so that access management considerations are properly coordinated with department corridor planning efforts and local area land development decisions.

Table 1.1 Guideline for New Access Points

Goal for Access and Traffic Movement	Type of New Access Allowed
<p>Tier 1 - Maximize Interstate/Statewide Traffic Movement</p> <ul style="list-style-type: none"> - Generally reserved for C2020 Backbone and Connector routes. - High percentage designed/planned for expressway or freeway standards. 	<p>Safely spaced at constructed or planned grade-separated locations.</p> <p>Locked/gated driveways for emergency vehicles.</p> <p>Plan in place for ultimate removal of all private access.</p>
<p>Tier 2A - Maximize Interregional Traffic Movement – High Volume</p> <ul style="list-style-type: none"> - High percentage is C2020 Backbone and Connector routes, but also includes significant number of other routes. - Most are constructed/planned for 4-lane capacity. Expressway standards are highly desirable. 	<p>At-grade public road intersections, with interchanges at higher volume routes.</p> <p>Locked/gated driveways for emergency vehicles.</p> <p>No at-grade intersections within 1 mile of interchange entrance ramps.</p> <p>See FDM 11-5-5 for spacing.</p>
<p>Tier 2B – Maximize Interregional Traffic Movement – Other</p> <ul style="list-style-type: none"> - High volume 2-lane principal arterials. - Volumes warrant passing lanes, but may not have 4-lane warrants within next 15-20 years. <ul style="list-style-type: none"> - High truck volumes denoting commercial/economic value. - Connect multiple urban areas across state. 	<p>At-grade public road intersections.</p> <p>Widely spaced lower volume residential, commercial and field entrances may be allowed if no reasonable alternative or opportunity to obtain such access exists, and a long term plan is in place for removing existing access as opportunities arise.</p> <p>Bypass or turn lanes may be required to maintain safety.</p> <p>See FDM 11-5-5 for spacing.</p>
<p>Tier 3 – Maximize Regional / Intra-urban Traffic Movement</p> <ul style="list-style-type: none"> - Similar to 2B, however, volumes for 4-lane expansion are beyond any reasonable planning horizon. - May only connect two or three urban areas. <ul style="list-style-type: none"> - Lower truck volumes. 	<p>At-grade public road intersections spaced for safe operation.</p> <p>Higher volume residential, commercial and field entrances may be considered assuming both the number and spacing of access meets department operational standards for safety, except those segments already under 84.25 or 84.09 controls.</p> <p>Bypass or turn lanes may be required to maintain safety.</p> <p>See FDM 11-5-5 for spacing.</p>
<p>Tier 4 – Balance Traffic Movement and Property Access</p> <ul style="list-style-type: none"> - Lower volume, primarily rural 2-lane highways. 	<p>All types, provided they meet operational and safety standards (See FDM 11-5-5 and WisDOT Highway Maintenance Manual Chapter 9 Section 10 State Highway Connections)</p>

Table 1.2 Guideline for Existing Access Points

When an existing access point does not meet the desired level of access control identified in the SAMP, it is often because no reasonable alternative access exists (a side road, for example) or no opportunity to obtain an alternative access exists. In response, decision and actions will consider the following:

- Alter all existing access points to meet departmental and operational safety standards as opportunities arise
 - Develop a long-term plan to remove existing hazardous access points when opportunities arise
- Restrict access with a covenant, a formal sealed contract or agreement. When a property is restricted-access via covenant, its owners will not be granted further access beyond what the agreement indicated.

The SAMP recommends that all access decisions balance current needs with safety risks and be consistent with the defined access management system. WisDOT will work with the general public and local governments to achieve a safe and efficient state trunk highway system in the public interest.

1.3 Considerations and Strategies for Application of Access Management Tools

While the SAMP Tiers provides a high level system perspective, segment specific criteria has a direct impact on

how easily or difficult it may be to apply any given access management tool. The single biggest factor is the level of development or urbanization along any given highway segment. These can be generally categorized as:

1. The Rural System
2. Routes through the Developing Urban Fringe
3. Routes in Developed Areas.

Different access management techniques are appropriate for each of these categories. (See sections in this chapter on the individual types of control.)

1.3.1 Rural System

Development along the Rural System is generally rather light but access management is necessary for preserving inter-city mobility and safety for highway users. In most cases, the entire array of access management tools, i.e. Freeway design, purchased controls, administratively designating "controlled access highways", and driveway permitting are all available and applicable for use to manage access on the Rural System.

The specific type of control used is determined by what Tier the specific rural segment lies within. A rural Tier 1 segment may be highly desirable for an 84.295 or 84.25 effort, while a Tier 4 rural segment may be constrained to simple access permits.

1.3.2 Routes through the Developing Urban Fringe

This category begins where the Rural System ends and extends to the point where adjacent land can be considered fully developed. The extent of the developing urban fringe will depend on the intensity of existing and anticipated development pressures. The endpoint of the Urban Fringe area is frequently at, or near, the functional urban area boundary. Zoning, annexed lands, and parcel size can all be indicators of a developing fringe when no actual development may yet be present.

In many cases, more than one local unit of government is involved in developing urban fringes and thus a high level of local government coordination is required to achieve and maintain a consistent access management plan in these areas. Developing land use and access management plans with local units is discussed in [FDM 7-35-10](#).

Access tools begin to be limited on Urban Fringe highways. In most cases, new administrative access control under Wisconsin State Statute 84.25 Controlled Access Highways (s.84.25¹) cannot be used since the statute reserves this tool to 'rural highways'. If s.84.25 access controls were put in place prior to actual development, they are a powerful tool to manage access in these areas.

It should be noted that because the total miles of 84.25 control is statutorily limited, the SAMP and the Corridor Management Program also identify corridors where existing s. 84.25 designations could or should be removed for re-assignment to other corridors. Criteria for removal include:

- Other superseding access control authority also exists on the same corridor
- The route has been deemed a lower priority than other warranted routes where no access control currently exists.
- The route has urbanized and the location of existing approved access points no longer warrants continued use of 84.25 controls.

To address these findings, region staff will manage the vacation, addition and continued monitoring of s. 84.25 designations on the state trunk highway system.

Other methods of access control in the Urban Fringe include deploying design and engineering techniques, driveway permitting, access covenants, and working with local governments when they develop their comprehensive plans, and during review of potential local area developments

1.3.3 Routes in Developed Areas

These are the extensions of the Urban Fringe Routes through communities. Access management on these roadways is generally possible only through retrofit techniques that can be applied when highway reconstruction or expansion projects are being undertaken. Not infrequently these routes may be under local control as a connecting highway which limits WisDOT's direct authority and requires a higher level of interaction with the

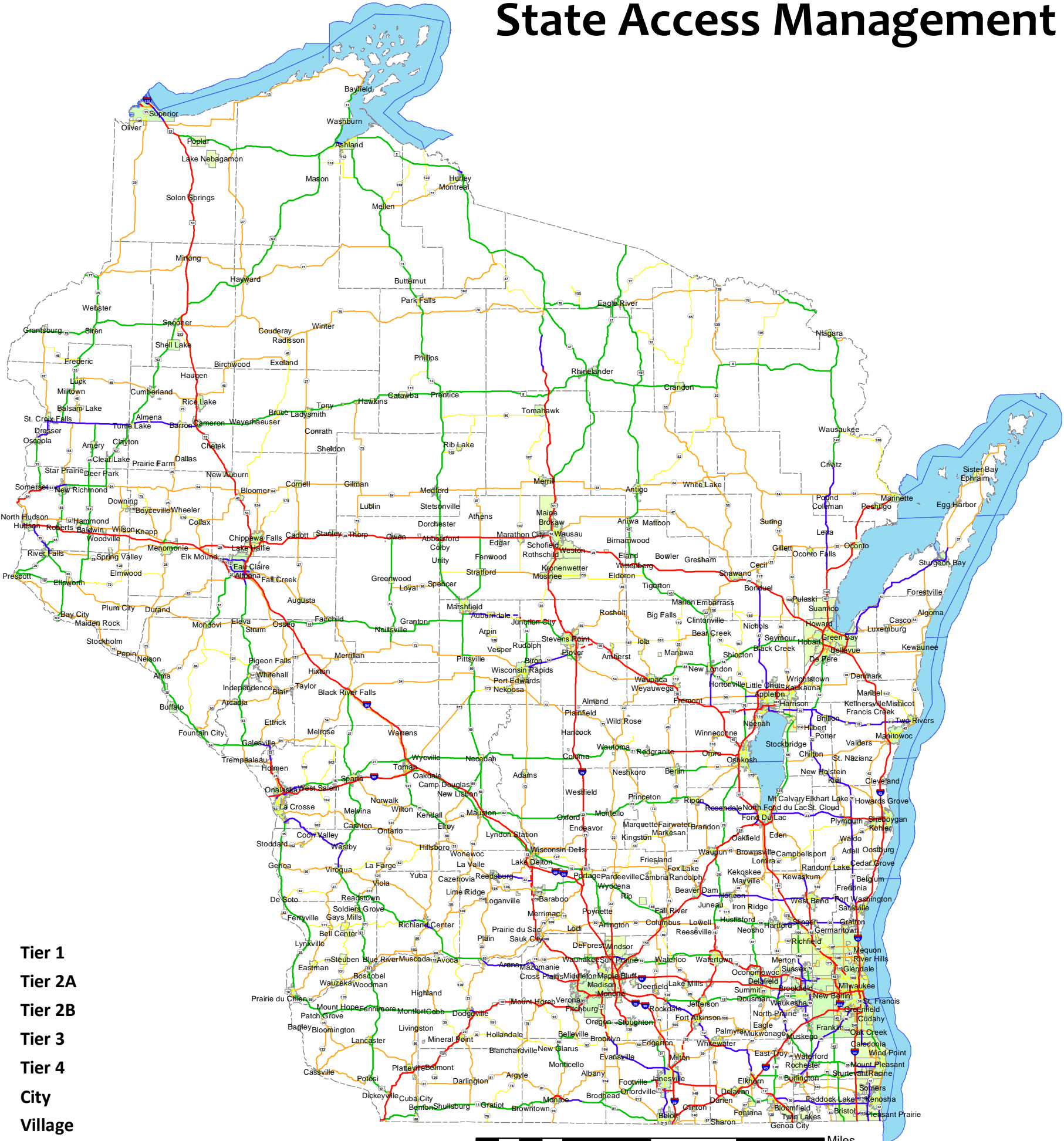
¹ To maximize safe and efficient travel on certain higher volume roadways, s. 84.25 designations allow WisDOT to use police powers to create up to 1,500 miles of controlled-access highways on rural, 2-lane highways that meet the criteria identified in the subject statute.

local units of government to cooperatively develop appropriate access management strategies.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Access Management System Plan

State Access Management Plan



Tier 1

Tier 2A

Tier 2B

Tier 3

Tier 4

City

Village

Urban/ized Area Boundary (2009)

- TIER 1: INTERSTATE AND STATEWIDE MOBILITY

Existing Access:

Access only at safely spaced interchanges.

Private access generally not allowed.

An exception may be for occasional isolated field entrances or emergency service on non-Interstate routes.

New Access:

Access only at safely spaced interchanges.

Criteria:

C2030 Backbone Routes

Rural or urban freeways or Interstate routes

Rural or Urban Principal Arterials with a desired design speed of 55 mph or greater, providing general freeway relief with a) 2030 ADT >8,700, or b) 2030 Truck ADT>3,000

C2030 Backbone Bypasses, Mineral Pt.

All bypasses on Corridors 2030 Connectors

Most bypasses on other Principal Arterials

TIER 2A: INTERREGIONAL MOBILITY (HIGH VOLUME ROUTES)

Existing Access:

Access primarily by at-grade public intersections, with some interchanges possible at higher volume roads.

Existing widely spaced, extremely low volume (generally < 50 AADT) private, residential/field access or emergency service may be allowed, if no reasonable alternative or opportunity to obtain such exists, and a long-term plan is in place for removing existing access as opportunities arise.

New Access:

Access primarily by at-grade public road intersections, with some interchanges possible at higher volume roads.

No at-grade intersections within 1 mile of interchange entrance ramps. See FDM 11-5-5 for spacing.

Criteria:

Existing or planned multi-lane Corridors 2030 Connectors

Potential Corridors 2030 multi-lane Connectors (are currently two-lane) with desired design speeds of 55 mph or greater (rural) or 45 mph or greater (urban) and: a) 2030 ADT >8,700 and not a passing lane candidate, or b) 2030 ADT > 12,000 and a passing lane candidate or c) 2030 Truck ADT between 1,700 and 3,000

Key regional commuter routes, especially where significant growth is expected with desired design speeds of 55 mph or greater (rural) or 45 mph or greater (urban) and 2030 ADT >= 12,000

Rural Minor Arterial, providing general freeway relief with a 2030 ADT >= 12,000

TIER 2B: INTERREGIONAL MOBILITY (OTHER ROUTES)

Existing Access:

Access by at-grade public road intersections with limited low volume private access allowed (ADT 100 to 1,000 in isolated commercial pockets along corridor or 50 - 100 on rest of corridor). In either case, mobility should not be compromised if access is to continue.

New Access:

Access by at-grade public road intersections.

Widely spaced low volume residential/field access may be allowed if no reasonable alternative or opportunity to obtain such access exists, and a long term plan is in place for removing existing access as opportunities arise (ADT on intersections of 100 to 1,000 may be allowed if safe mobility can be maintained. A bypass lane may allow continued safe mobility).

See FDM 11-5-5 for spacing.

Criteria:

Corridors 2030 two-lane Connectors with desired design speeds of 45 mph or greater (rural or urban, though most are generally rural)

Key regional commuter routes, especially where significant growth is expected, with 2030 AADT< 12,000 (Rural and Urban)

Routes included in Figure 1 in Chapter 11-15-10 of the FDM (passing lane candidates)

Other important trucking routes with desired design speeds of 45 mph or greater with either a) 2030 Truck ADT > 1,700 or b) is a Rural PA

Lower volume general freeway relief routes fit here if the current access management or design makes it possible to maintain higher speeds (Primarily Urban, but may include some Rural)

TIER 3: REGIONAL OR INTRAURBAN MOBILITY

Existing Access:

Public roads spaced for safe operation.

Private access should meet departmental / operational standards for safety (FDM 11-5-5).

New Access:

Public roads spaced for safe operation.

Private access may be considered assuming both number and spacing of access meets department / operational standards for safety (FDM 11-5-5), except those segments already under 84.25 or 84.09 controls.

Intersection ADT can be greater than 1,000. A bypass lane may allow continued safe mobility.

Criteria:

Routes needed for freeway incident relief

Corridors 2030 Connectors in "Rural" (<5,000 communities) with desired design speeds less than 55 mph

Corridors 2030 Connectors in Urban Areas with desired design speeds less than 45 mph

Non-Corridors 2030 Rural Principal Arterials

Non-Corridors 2030 Urban Principal Arterials

Rural Minor Arterials located within a Town (not a City or Village)

Urban Minor Arterials located within a Town (not a City or Village)

TIER 4: BALANCED MOBILITY AND ACCESS

Existing and New Access:

Public and private access roads spaced for safe operation, and meeting departmental / operational standards for safety (FDM 11-5-5).

Criteria:

All other Urban Minor Arterials Urban Collectors and Urban Local Function routes not in Tiers 1-3

All other Rural Minor Arterials, Rural Major Collectors, Rural Minor Collectors, and Rural Local Function routes

Items have been added to criteria or have been slightly changed from last version.

WisDOT Division of Transportation Investment Management
Bureau of Planning and Economic Development
July 2011

July 13, 2018

Attachment 1.1

Page 1



FDM 7-10-1 Overview

July 28, 2011

According to section 990.019 (5r) of the state statutes, a controlled access highway is defined as a highway on which abutting property owners have no right, or only a limited right, of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities. Access is controlled by prohibiting entrance to and departure from highways except at specifically designated places. Access control can be established during the design of the facility by limiting the type and number of intersecting roads and driveways, or it can be obtained on existing roadways through the methods described below.

The following is a brief overview of the methods of access management and control which will be discussed in greater detail in subsequent sections of this chapter. (There are numerous documents involved in establishing and managing access controls. [Attachment 1.1](#) lists recordable access control forms and the uses of each. [Attachment 1.2](#) lists all access-related documents and pertinent information about each.)

1.1 Administrative Access Control

See [FDM 7-15-1](#) for more information on this subject.

Access control under state statute 84.25 authorizes the WisDOT Secretary to designate as controlled-access highways, rural portions of the state trunk highway system on which the existing or projected ADT exceeds 2000 vehicles within the next 20 years. When this is done, access is "frozen" and future alterations to access require department approval. A public hearing held by WisDOT is required, followed by a Finding, Determination and Declaration. Private driveways, streets and highways are prohibited from opening into or connecting with any controlled-access highways without previous written consent and approval of the department.

1.2 Purchased Access Control

See [FDM 7-20-1](#) for more information on this subject.

Wisconsin law provides that any lands or interest in lands needed for highway purposes be acquired by the department in the manner provided in state statute 84.09. While access rights alone may be acquired, such rights are normally acquired in conjunction with the purchase of right-of-way for a highway construction project.

Given the need to control access on a given segment of highway, the purchase of access rights under section 84.09 is typically employed when:

- new or additional lands are being acquired;
- the access rights to a parcel have measurable value;
- changes in current access or the elimination of access is necessary

Section 84.09 allows the department, through negotiations, to alter and eliminate unnecessary or unsafe access points, as well as to restrict or prohibit additional access. This is done where there is redundant or unneeded access which can be eliminated as part of the access control project development.

1.3 Driveway Permitting

See [FDM 7-25-1](#) and WisDOT Highway Manual Chapter 9, Section 10 State Highway Connections for more information on this subject.

State statutes prohibit making any excavation or fill or any other alteration within the highway right-of-way without obtaining a permit from the highway authority maintaining the highway. Driveway permits are issued under authority of statute 86.07(2) and Wisconsin Administrative Code chapter TRANS 231. The region Systems Planning and Operations Section oversees the driveway permit process, including surveillance, issuance of permits and the removal of driveways without permits. On controlled access highways, driveway applications are generally denied. They may be approved if a detailed review shows them to be in the public interest.

1.4 Access Covenants

See [FDM 7-30-1](#) for more information on this subject.

An access covenant is used to control access in a location which does not have administrative or purchased controls. It is a legal agreement between a property owner and WisDOT that limits the number of access points a property may have on the state trunk highway system. Consideration is given to the tier of the road on the

Statewide Access Management System Plan, functional classification of the roadway, traffic volume, and development potential of surrounding lands. If an access covenant is warranted, WisDOT negotiates with the property owner to develop a mutually agreeable one. The covenant spells out the number of future access points, and can also identify the location and type of access points provided. The access covenant is signed by the property owner and recorded at the appropriate county by WisDOT personnel.

1.5 Other Tools for Corridor Access Management

See [FDM 7-35-10](#) for more information on the following subjects.

1.5.1 Land Use Access Management Plans

These plans are developed jointly by local units of government and WisDOT. Local units of government facing rapid development of an area served by one or more state trunk highways have traditionally initiated the plans, but they can also be initiated by the state. Plans show existing and future access points to state trunk highways, median cross-overs and desired land use patterns for land adjacent to the highway. If a formal intergovernmental agreement is signed, no changes in access or median crossovers can occur without the agreement of all parties.

1.5.2 Traffic Impact Analyses (TIAs)

A TIA is an engineering study that compares before and after traffic conditions on a road network due to a proposed land use change. For WisDOT's purposes, it is produced to identify, for both WisDOT and the developer, the optimum number and location of highway access points and any roadway changes needed to accommodate the traffic generated by the development.

1.5.3 Official Mapping

When planning for transportation facilities, counties, cities and villages, and towns that have adopted village powers, have the authority to prepare plans and maps showing the approximate location and width of future highways and streets. The purpose of the map is to inform the public of land areas that may be required for future rights-of-way, in order to prevent costly development from taking place in the corridor. Official mapping authority varies among the different levels of government.

WisDOT's authority to designate future freeways and expressways is similar to municipalities' official mapping authority. Section 84.295 requires that WisDOT be notified of any building or altering of structures in the designated freeway/expressway right-of-way.

1.5.4 Joint Access Easement Agreements

Joint access easement agreements should be considered tools for corridor management and land use/access management plans. They can reduce traffic congestion on through-streets allowing access to several destinations from a single access point. They can also provide several access points to many destinations and function as a quasi-private road.

1.5.5 Zoning/Land Use Planning Input

WisDOT can be pro-active in working with local governments to coordinate local land use and state highway access management goals. By offering to assist local governments in developing zoning ordinances, comprehensive plans, and/or land use plans, WisDOT can offer a perspective not usually available in the local planning process. The department can offer this type of assistance when a more formal land use/access management plan is either not appropriate or not feasible.

1.6 Freeway or Expressway Designation

See [FDM 7-40-1](#) for more information on this subject.

Section 84.295 of the Wisconsin Statutes provides that where WisDOT finds the volume and character of traffic sufficient to warrant the construction or acquisition of right-of-way for the ultimate construction of a highway to accommodate four or more lanes of traffic, it may, by order, designate that facility as a freeway or expressway. This authority is similar to the official mapping powers of local governments. Where the designated facility will be on new location, there is no inherent right of access to abutting property owners. If the designated facility is an existing roadway, access may be via service roads.

1.7 Subdivision Review

See [FDM 7-50-5](#) for more information on this subject.

Under Chapter 236 of the Wisconsin Statutes, WisDOT and other state agencies are objecting authorities for subdivision plat review. All state comments are forwarded to the Department of Administration which acts as the clearinghouse for state agency review. Final subdivision approval rests with the municipality in which the

subdivision is located.

TRANS 233 of the Wisconsin Administrative Code prescribes certain requirements intended to minimize or eliminate the impacts of subdivisions on abutting state highways. Regions review proposed subdivision plats to ensure they either comply with those requirements or that variances are granted by WisDOT. The region provides the Department of Administration with either a certification or formal objection to the plat.

If a proposed subdivision abuts a state highway, a careful check should be made to determine whether the subdivision owner has other contiguous land that is not part of the subdivision proposal. The owner and surveyor should also be contacted to determine the need for an overall area development plan. Such a plan could identify the need for additional future access points, or it could show that adequate access exists for future travel needs.

1.8 Other Land Divisions Review

Occasionally local governments will ask WisDOT to review and comment on land divisions or developments that could impact the traffic on a state highway. Region staff provides expertise in traffic analysis and access management techniques to help minimize any negative impact on the state highway. WisDOT does not have review authority on such developments but they can provide recommendations for the local governments to implement that will result in a safe connection to the state highway.

1.9 Scenic Easements

Scenic easements are purchased under statute 84.09(1) which authorizes the purchase of interests in land and 84.105(6) which authorizes the purchase of easements for national parkways such as the Great River Road. They are commonly used to ensure the preservation of natural beauty and features that enhance and contribute to the general appearance of the highway and to the interest and enjoyment of highway users. In addition to the Great River Road, there are many scenic easements at selected locations such as scenic river and stream crossings and other places where there are interesting features and views.

The WisDOT regions submit potential easement site locations as the need or opportunity dictates. The Bureau of Technical Services, determines the final selections, with priority going to those sites having the most desirable aesthetic qualities, and those sites being most endangered by potential adverse development.

1.10 Design/Engineering Techniques

WisDOT may eliminate intersections between controlled-access highways and existing streets or highways that are at grade, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access highway. The intersection may be modified by grade separations or provision of a service road. WisDOT may divide and separate any controlled-access highway into separate roadways or lanes by raised curbing, dividing sections or other physical separations or by signs, markers, pavement markings or other suitable devices, and may execute any construction necessary to promote public safety including service roads or separation of grade structures.

As an example, median openings, whether they are located at major intersections or serve traffic generators between intersections, all tend to interrupt through traffic flow. On arterial streets it is recommended that free flow of traffic without interruptions be maintained.

Design details that channel traffic and reduce potential conflict points may be used on any state highway to improve the safety of the travelling public. Any location that has a crash history or is considered dangerous by regular users should be reviewed to determine whether the implementation of access management techniques can be used to improve the safety of that location.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Recordable Access Control Forms

[Attachment 1.2](#) Access - Related Documents

Recordable Access Control Forms

The following is a list of recordable forms related to the establishment of access control, the uses of each, and the FDM procedures which refer to them.

DT2047 Notice of Nonaccess to or Across a Controlled-Access Highway

Used in any situation where a property is not being given access to a controlled access highway because it has alternative access to the public road system.

Reference: [FDM 7-15 Figure 5.1](#)

DT2048 Authorization for Access to or Across a Controlled-Access Highway

Used when any access to a controlled-access highway is approved, whether public or private.

Reference: [FDM 7-15 Attachment 5.8](#)

DT2049 Resolution Agreeing to Control of Access along a Local Street or Highway

A model resolution for municipalities to use to formally agree to access controls along local streets near their intersection with controlled-access highways.

Reference: [FDM 7-15 Attachment 1.1](#)

DT2050 Revocation of Authorization for Access to or Across a Controlled-Access Highway

Used in all cases where access to a controlled-access highway is being revoked.

Reference: [FDM 7-15 Attachment 5.2](#)

DT2051 Notice of Nonaccess Highway

Used when abutting property owners have no rights of access to a new facility (e.g., designated controlled-access highways and designated freeways and expressways) and WisDOT did not purchase land from that owner. (If right-of-way is purchased, the notice of non-access is written into the deed).

References: [FDM 7-20 Attachment 5.1](#); [FDM 7-40-1](#)

DT1669 Access Covenant (Subdivision)

Used when an owner has an interest in land between a proposed subdivision and a state trunk highway. We ask for an access covenant regarding future access to the abutting property.

Reference: [FDM 7-30 Attachment 1.1](#)

DT1646 Access Covenant (Permit)

Used on a non-access controlled route to restrict the number of accesses to a given property. (Used as a condition for issuing a driveway permit.)

Reference: [FDM 7-30 Attachment 1.2](#)

DT1569 Scenic Easements

Used for recording scenic easements.

Reference: [FDM 7-55 Attachment 1.1](#)

DT2243 Finding, Determination, and Declaration

Used to officially designate controlled-access highways under section 84.25.

Reference: [FDM 7-15 Attachment 5.7](#)

DT2169 Finding, Determination, and Order

Used to officially designate a Freeway and Expressway under section 84.295.

Reference: [FDM 7-40 Attachment 1.1](#)

ACCESS-RELATED DOCUMENTS

Document ID	Document Name	Signatory Authority	Method of Control	Location of Document
DT2047	Notice of Nonaccess to or Across a Controlled-Access Highway	Region Director or Designee	Administrative	https://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx
DT2048	Authorization for Access to or Across a Controlled-Access Highway	Same	Administrative	Same as above
DT2049	Resolution Agreeing to Control of Access along a Local Street or Highway	Same	Administrative	Same as above
DT2050	Revocation of Authorization for Access to or Across a Controlled-Access Highway	Same	Administrative	Same as above
DT2051	Notice of Nonaccess Highway	Same	Administrative Freeway or Expressway designation	Same as above
DT1669	Access Covenant (Subdivision)	Property Owner	Subdivision Plat Review Process	Same as above
DT1646	Access Covenant (Permit)	Property Owner	Permitting Process	Same as above
DT2243	Finding, Determination & Declaration	Director of Bureau of Technical Services	Administrative	Same as above
--	84.25 Maps and Revisions to Maps	Same	Administrative	Region and Central Office Files (Access management files)
DT1560	Warranty Deeds	Seller	Purchase	Located at http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnsit-rsrcs/re/repm.aspx under forms or at Consultant Extranet site within Real Estate Program Manual under Forms.
DT1562 DT1563	Quit Claim Deeds (for relinquishing 84.09)	State Real Estate Manager	State Purchaser State Grantor	Same as above Same as above
--	Subdivision Plats	Region Director	Subdivision Plat Review Process	Region Files, Highway Access Management System (HAMS)
DT1458	Affidavit of Correction (Subdivision plat correction)	Same	Subdivision Plat Review Process	https://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx

DT2169	Finding, Determination & Declaration	Division Administrator	Freeway or Expressway Description	Same as above
--------	---	---------------------------	---	---------------

([FDM 7-10 Attachment 1.2](#))



FDM 7-15-1 General

December 5, 2017

1.1 Definition

Section 84.25 of the Wisconsin Statutes, the Controlled Access Highway law, authorizes the Secretary to designate as "controlled access highways" up to 1,500 miles of the rural state trunk highway system on which the ADT potential exceeds 2,000 vehicles. This statute authorizes WisDOT to allow the number of access points it deems appropriate, providing that all parcels are given reasonable access. Removal of access under 84.25 does not require compensation because it is an application of police power by the State. (Counties have similar powers for imposing access control on county roads under section 83.027 of the statutes.)

Administrative regulation under section 84.25 has universally been held valid as a proper means of access control. The universal test has required that such controls be reasonable. Under 84.25, access is typically frozen. However, the control imposed may not limit, restrict or otherwise reduce access below a point where such access is considered reasonably necessary and adaptable to serve the owners' lands. Beyond this point, section 84.25 may not ordinarily be used, and it then becomes a matter of acquiring private property rights for a public use. This is done by paying just compensation as provided for under section 84.09.

1.2 Application Criteria

Highways included in Tiers 1, 2A and 2B of the State Access Management Plan (refer to [FDM 7-5](#)) are WisDOT's priority corridors for the implementation of access controls. Administrative access control should be used where there is a priority for access control but there is no project with general right-of-way acquisition in the Six Year Improvement Program, and where abutting lands may be expected to change from agricultural and low density residential use to a more traffic-intensive use. This type of access control is best used when it is not necessary to eliminate driveways, but simply to freeze the existing access and control any future changes in access. Section 84.25 should be utilized in areas where access has negligible value, and, therefore, requires no compensation (such as in rural areas where there is very little or no development at the time). Do not place section 84.25 controls on a Connecting Highway. If project limits are difficult to determine, contact the Access Management Engineer in the Bureau of Technical Services for assistance.

It is important that this tool not be used in a given geographic area at the same time that access is being purchased under statute 84.09 (refer to [FDM 7-20](#) for a discussion of purchased access control). Conversely, on highway segments where section 84.25 is being or has previously been implemented, access rights should not be purchased, even if right-of-way is being acquired, unless all access is being removed and the parcel will be landlocked. It is important to avoid purchasing controls that have already been acquired.

The WisDOT region office should contact all property owners along the route to assure that there is a mutual understanding regarding the access points and driveways before the controlled access project is completed. There should be concurrence of the local units of government and an acceptance on the part of the property owners. Public involvement is a key phase that informs local officials and citizens of the need for continued access management on the state highway system.

1.3 Restricting the Type Of Access

On a controlled access highway, the use of particular access points can be restricted through special crossing authorizations or by tying driveway authorization to specific driveway uses.

Section 84.25(7) of the statutes provides for granting special crossing authorizations on controlled access highways. Special crossings allow access to land held under one ownership that has been severed by a controlled access highway. Their use is restricted to travel across, rather than onto, the highway and they are to be terminated when the parcels pass into separate ownership.

A special crossing access should be located as nearly opposite a private driveway, another special crossing, or public highway as conditions permit. Special crossings should be provided where the need is substantiated and justified by present land ownership and use. They shall not be used as a substitute for private driveways that are required due to extensive frontage, natural barriers or land use operations.

A specific type of use can be assigned to a particular connection or driveway to make it possible to restrict the use of the access point to the current use. The driveway use has a direct relationship to the amount of traffic that can be expected to access the highway from the driveway. If the use changes and there is potential for an increase or decrease in the amount of traffic using the access point, WisDOT can judge the access

inappropriate and order that it be modified or removed. Often an alternate means of access to the highway could be achieved through negotiation or compromise with the landowner or prospective developer. Local land use/zoning definitions are an excellent source for describing an existing use or restriction.

For example, a residential driveway has fewer trips per day than a commercial driveway such as a convenience store. The number of trips generated per day by each specific use directly impacts the safety, operation, and mobility of the highway. A residential driveway may be appropriate in a location where a commercial driveway would not be acceptable because of the difference in the impact on the highway. Any change in the use of a driveway requires review by WisDOT.

Local governmental units frequently re-zone lands without knowledge of, or in spite of, such a restriction. They generally fail to inform WisDOT of proposed zoning changes even though the state is an abutting landowner and, by law, should be notified.¹ Once the zoning has been changed and development has occurred, it is difficult for WisDOT to alter the access.

1.4 Access Control Along Intersecting Streets And Highways

When planning a controlled access project, it is also important to consider access along intersecting streets and highways. Access points along side streets generate turning movements which cause conflicts with through traffic at or approaching the intersection. Left turns are the most critical to control since that movement usually involves yielding to other traffic which may need to proceed to clear the intersection.

The extent of access control to be applied along these intersecting roadways (i.e., throat distance) depends on: intersection design; traffic volumes on the intersecting roads; predicted intensity of land use of adjoining properties; traffic speeds and projected traffic volumes on side roads.

A distance of 250 feet (minimum) to 500 feet (desirable) can be used as a guide but the appropriate standards for a particular set of circumstances should be determined through consultation with the maintenance, planning and traffic areas.

Decisions should be coordinated with the local governmental units and where possible formalized with a "Resolution Agreeing to Control of Access Along Local Street or Highway", form DT2049 (see [Attachment 1.1](#)). This resolution, upon adoption by the local governmental unit and upon acceptance and ratification by WisDOT, creates a binding bilateral agreement, the terms or conditions of which may not be varied without mutual consent of both parties. This process affords critical intersections with additional protection beyond the ordinary limits of WisDOT control. The resolution form is sent to the Town for approval and signature and then returned to the Region for notarized signature. The Town signatures do not require a notary.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Sample Form DT2049, Resolution- Controlled Access Project

FDM 7-15-5 Establishing and Altering Access Controls

December 5, 2017

5.1 Establishing An 84.25 Access Control Project

To implement section 84.25, an Access Control Map must be developed using the records obtained from the last construction project and supplemented with additional information on those parcels that were not affected by the purchase of right-of-way. [Attachment 5.1](#) outlines the steps that should be followed to establish an access control project. Refer to [Attachment 5.9](#), WisDOT Statewide Guidelines for §84.25 Controlled Access Map and Authorizations, for additional detailed guidance on developing the access map and authorizations.

The project limits should be logical termini, preferably at intersections or other well defined geographic points. The end points must be tied to the Public Land Survey System in the Finding, Determination, and Declaration because corporate limits and highway or street names change over time, and highways are sometimes relocated. Segments of highway with more than 20 driveways per mile are not beneficial when applying 84.25 access control to that segment. A project exception should be used to exempt that portion of the highway from the 84.25 access control project. Exceptions should be at least 1/4-mile-long; if a segment is less than that, do not create an exception; just include it as part of the project. Project termini may be within the corporate limits of a city or village, such as highway segments in areas that are transitioning from rural to urban development with a limited number of driveways.

See subsection 5.5 below for information on 84.25 Controlled Access Project Unique Identifiers. A separate

¹ This situation points out the need for increased coordination and cooperation between the state and local units of government. (See FDM 7-35-10 for discussion related to this point.)

identifier is required for each county if a project is in more than one county.

Contact the BTS Access Management Engineer for detailed information on the specifications of data collection and project deliverables for the access control project. Project data will be incorporated into the WisDOT Highway Access Management System (HAMS) upon completion of the project.

During the project review identify any driveways that have potential to be moved to a safer location, or to be removed completely. Discuss with the property owner the desire to make changes. Often the owner is aware of safety issues and might welcome the opportunity to provide safer access. Highway maintenance funds can be used to have County forces make driveway adjustments.

After a Finding, Determination and Declaration is recorded, every connection to the 84.25 access controlled highway shall be authorized by a Controlled Access Highway Authorization (Form DT2048). One form shall be completed per parcel or road. An authorization can include multiple driveways if they are on the same map parcel. [Attachment 5.3](#) has four sample authorization forms. Authorizations can be general in nature, allowing a driveway anywhere on the parcel that meets department standards, or the Authorization can be more restrictive regarding the location and use of the driveway. The number and types of vehicles using a driveway can affect highway safety. In some locations a residential driveway may be acceptable while a commercial driveway would create safety problems. On parcels with larger frontage on the highway it may be desirable to limit the location of the driveway to a specific point that has the best sight distance or because of other geometric constraints. A restriction requires the property owner to contact WisDOT before changing the use or location of the driveway. WisDOT may or may not allow the requested change, subject to the impact on the safety and operation of the highway. An authorization for a joint driveway should list the location of the driveway and the parcels that share the joint driveway. Refer to [Attachment 5.6](#) for suggested wording for authorization.

Abutting parcels that have alternative access can be issued a Notice of Non-Access to or Across a Controlled Access Highway (Form DT2047). Refer to [Attachment 5.8](#) for a sample filled-out form. Each parcel abutting the project within the access control limits shall have either an authorization or a notice of non-access. Authorizations are also issued for each local road or county road that connects to the highway.

As conditions change over time, a driveway authorized previously may become unsafe. If adequate changes cannot be made to the driveway, the authorization may be revoked. If alternative access exists, the parcel may be issued a notice of non-access.

5.2 Altering Access On Controlled Highways

After the establishment of the controlled access highway, WisDOT may consider adjustment or reclassification of the existing access. This is generally done in situations where there is an indication of orderly land use change such as planned residential or commercial developments, a proposed system of service roads, or the development of subdivision plats. In such cases an existing or previously authorized point of access for private use, for example, may be authorized for public use as a platted street or as a service road connection with a controlled access highway. When provision is made for additional public access, other private access points may become unnecessary and, thus, the revocation of the authorizations and removal of the access points could be warranted. However, any modification of, or removal of, existing authorized access must be approved by the Director of the Bureau of Technical Services, and proper notification must be given to the landowner prior to any removal. (See [Attachment 5.2](#), "Revocation of Authorization for Access to or Across a Controlled-Access Highway".)

On some existing controlled access maps there may be access points designated as special crossings which allow travel between severed or adjacent parcels of land under one ownership and which are needed to provide access across the highway. Requests by landowners to change these authorized points of access should be analyzed with an objective of bringing any revised access designation into conformance with current standards for access spacing as outlined in [FDM 11-5-5](#). Special crossings cease to exist when the land is no longer under a single owner.

Public interest and highway safety are major factors when evaluating requests for new or modified access. This is particularly important when considering the type of access to be authorized (public highway versus private driveway) and the spacing of such access. When long-range anticipated land development will support a request for modified or new access, appropriate dedications for vision or clear zone purposes will ordinarily be required to protect the intersection and the safety of the travelling public. Such dedications may be accomplished preferably by a Certified Survey Map (CSM), a subdivision plat, or a highway right of way plat. Another option is via a Warranty Deed transferring ownership from the property owner to the highway authority. There should be documentation by the highway authority accepting the dedication of the new highway right of way. Subdivision plats and highway right of way plats need no additional documentation. For CSMs or Warranty Deeds, notes from a meeting of the highway authority stating that the CSM or deed was presented and accepted (for a new access on a segment that is now a connecting highway) or a letter from the WisDOT

Regional Director or their designee (for access to a State Trunk Highway and side roads within the access control limits) will document acceptance of the dedication.

Requests for new access must be in the public interest. Section 84.25(4) states “no street or highway or private driveway, shall be opened into or connected with any controlled-access highway without the previous consent and approval of WisDOT in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given”. This public interest should be documented in the form of an “84.25 Controlled Access Public Interest Statement” such as the one shown in [Attachment 5.10](#).

The Public Interest Statement should address the following criteria:

1. Operational benefits to STH
 - Eases congestion at other locations and thus mitigates needs for improvements at other locations
2. Safety benefits to STH
 - Removes identified safety issues at other locations on STH system.
3. Serves to improve local system continuity
 - Part of future local transportation plan that was reviewed and accepted by WisDOT.
 - This includes not just plans of the requesting authority, but any affected adjoining units of government. This is especially important if the request is for an access on the east side of a highway that is inside Village boundaries, but the west side of the highway is in Town boundaries.
4. Meets traffic volume criteria and system connectivity that defines a public road purpose rather than access to isolated private homes or businesses.
5. System connectivity created by proposed addition clearly eliminates or minimizes the potential for further public road requests at other locations.
 - Not a cul-de-sac
 - Needs connectivity to other existing functionally classed collectors and/or arterials.
 - Roadway which comes off of requested public access must have associated connectivity to other large undeveloped nearby properties. If access request is for an undeveloped parcel, and adjoining parcel(s) are likewise undeveloped with no access to STH, the request needs to show how the road to the requested new public access will also include mapped connections to adjoining properties.
6. Protection of statewide taxpayers' interest by insuring the standards required for the proposed access construction are determined by the same design year horizon used by WisDOT on STIP projects. A land developer could propose a connection only designed to handle the traffic from one development, whereas future adjacent developments will require a higher volume of traffic. Any connection should be designed to handle the design year traffic for the nearby area.

Requests for alteration to authorized access that has been established along a controlled access highway are subject to administrative review. All requested alterations to authorized access must pass the test as to whether the change is in the public interest. Orderly planned development compatible with the controlled access highway facility will ordinarily receive favorable consideration. If it is deemed in the public interest, a reclassification or expanded use of existing authorized access, or authorization of additional access via public streets will be supported by WisDOT.

5.3 Reviewing Requests and Altering Access

WisDOT follows the same procedure for reviewing requests to alter access on all access controlled highways, whether access is controlled administratively (under section 84.25) or purchased (under section 84.09). This procedure is described below.

Procedure for reviewing requests:

- The Region requires a letter of request with a site plan attached before reviewing any request for access changes. The developer/owner must provide traffic-generation projections, if available, to justify the requested access change. The request must also state specifically why each access is necessary for operation of the development, and the site plan must include drainage plans, internal traffic circulation patterns, and parking layouts. If a public road connection is requested, specify how that road connects into the existing local public road system,

- All requests for access revisions on a controlled highway must be reviewed by the appropriate functional areas within the Region. Comments should be obtained from the Systems Planning and Operations and Technical Services Sections. The Project Development Section should be consulted if there is an improvement project scheduled for the area or if there are design related concerns.

Procedure for altering access:

- If the Region review is favorable, copies of all pertinent materials should be sent to the BTS Access Management Engineer who will review them and then forward them to the BTS Director and the Access Modification Committee for review and final determination. The Region should submit an Access Modification Request Decision Document, in the format of [Attachment 5.11](#). The request should also include any additional information that will help the committee make an informed decision. Changes to access must be in the public interest and not just for the benefit of a property owner. On new access requests, the Region must prepare an "84.25 Controlled Access Public Interest Statement" that documents why the proposed additional access is in the public interest. Refer to [Attachment 5.10](#) for a sample Public Interest Statement.
- The Access Modification Committee will review the request and all of the relevant information to determine if the modification will be approved. They must determine that the modification is in the public interest and the safety of the travelling public is being preserved or enhanced. When a decision has been made, the BTS Director and the Access Modification Committee will document their decision and the Region and the property owner will be notified.
- Approved changes should be noted on a copy of the map. When an access control project is formally updated, these changes are transferred from the paper copy to the new map original. (See [FDM 7-15 Attachment 10.2](#)). The appropriate authorization documents shall be completed and recorded for the land parcels affected by the change. The approved changes and related documents must be added to the Highway Access Management System (HAMS). The original recorded authorization documents are to be sent to the BTS Access Management Engineer for permanent filing.
- If the request is denied, a letter explaining the nature of the access controls and the reason for the denial should be sent to the applicant. Those requesting the access have no right of appeal when additional access to an access-controlled facility is denied.

5.4 Class 3 Notices

Section 84.25 of the state statutes requires a Class 3 notice be placed in a paper that is published in the county of the project. If another paper published outside the county is more widely read, then publish the notice in both papers to fulfill both the letter and the intent of the law.

A Class 3 notice requires three publication dates occurring in consecutive weeks. The last notice must be published no less than 7 days before the date of the hearing. It is suggested that four (4) publications be made to create a safety net to assure that at least three (3) of the publications meet the legal requirements, in case one of the publications is later than requested.

Two months prior to the scheduled date of the hearing the notice should be prepared and submitted in accordance with [FDM 6-15-20](#). This will allow for adequate time if the publication date is a weekly newspaper and the day of publication does not correspond to the hearing day. For example, if the hearing is scheduled for a Tuesday, but the paper is published only on Thursdays, you need to publish it so that the last publication date is a week and a half before the hearing, or two Thursdays before the hearing. It is always safest to submit the notice to the paper two weeks before the first publication date to assure that all the paper's questions are answered before the publication deadline.

When an environmental document is prepared as part of the 84.25 action, the public hearings required for each action can be combined into one public hearing. See [FDM 6-15-25](#) for additional guidance on combined public hearings.

5.5 84.25 Controlled Access Project Unique Identifier

Controlled access projects require unique identifiers for the many documents that are related to the project. There is an environmental document; Finding, Determination and Declaration; access control maps; documents that are recorded against land parcels; local government resolutions, etc. that use a project number to tie all of the documents together for a project on a segment of highway. Access control projects are not highway improvement projects, so a typical project number is not loaded into FOS or FIIPS. All project costs are charged to a work program SPR FOS Project ID number that is set up for each region and changes with the Federal Fiscal Year. The WisDOT Program Management Manual Document 06-10-50 explains how a Controlled Access Project Unique Identifier is set up, so that the number is not reused for something else. If a project is in two or more counties, a separate Controlled Access Project Unique Identifier must be created for each county, with separate maps, hearings, and documents for each county.

LIST OF ATTACHMENTS

Attachment 5.1	Procedure for Establishing Access Control Projects
Attachment 5.2	Sample Form DT2050 Revocation - Highway Authorization
Attachment 5.3	Samples of Form DT2048, Controlled Access Highway Authorization
Attachment 5.4	Sample Access Control Map
Attachment 5.5	Sample Notice of Public Hearing for Designating as a Controlled Access Highway
Attachment 5.6	Suggested Wording for Authorization
Attachment 5.7	Sample DT2243 - Finding, Determination and Declaration
Attachment 5.8	Sample Form DT2047 Notice on Nonaccess
Attachment 5.9	WisDOT Statewide Guidelines for 84.25 Controlled Access Map and Authorizations
Attachment 5.10	Sample 84.25 Controlled Access Public Interest Statement
Attachment 5.11	Sample Access Modification Request Decision Document
Attachment 5.12	Sample Format for Post Hearing Report

FDM 7-15-10 Miscellaneous Provisions

December 5, 2017

10.1 Vacating Controlled Access

The Secretary may order the vacation of a controlled access highway (i.e., the relinquishing of access controls), as provided in section 84.25 (13), if it is determined that vacation is in the public interest. A public hearing is required (if access controls are vacated and not transferred or replaced with other controls) and a formal notice of vacation is recorded with the Register of Deeds in the county where the highway is located. (See [Attachment 10.1.](#))

If the vacation is due to the transfer of the roadway from state to county jurisdiction, the county board may request, by resolution filed with WisDOT, that the controlled access highway be continued pursuant to section 83.027. The access control will then be transferred to the county and WisDOT will be relieved of any further authority or obligation for the controlled access highway. Since access controls still remain in place, there is no change to the public interest and a public hearing is not required.

Statutory access control may also be transferred to cities or villages under Home Rule, provided they have an established access control ordinance similar to section 84.25.

The relevant legislative history of Wis. Stat. § 84.25(13) identifies two procedures for vacating the controlled access that was established on a state trunk highway (STH) pursuant to Wis. Stat. § 84.25.

The first of the two procedures under Wis. Stat. § 84.25(13) applies where WisDOT is vacating the controlled access while continuing all STH routings over the highway established as a controlled-access highway. This procedure requires WisDOT to issue an order vacating the Wis. Stat. § 84.25 controlled-access highway status. WisDOT shall record formal notice of the vacation of a controlled-access highway with the register of deeds of the county wherein such highway lies, as required by Wis. Stat. § 84.25(13). This also applies when access along the segment of highway is controlled under Stat. § 84.295.

The second of the two procedures under Wis. Stat. § 84.25(13) applies where WisDOT is discontinuing all state trunk highway routings over a highway established as a controlled-access highway, which summarily vacate the controlled-access status of such section of highway only after a traffic engineer survey investigation and study finds, determines and declares that the vacating of the controlled-access status is in the public interest. Such vacating shall not be effected until after a public hearing is held in the county courthouse or other convenient place within the county, following notice by publication under Wis. Stat. § 84.25(1). WisDOT shall record formal notice of the vacation of a controlled-access highway with the register of deeds of the county wherein such highway lies, as required by Wis. Stat. § 84.25(13).

This second procedure would apply where a connecting highway with Wis. Stat. § 84.25 controlled-access status is being changed under Wis. Stat. § 86.32(1). Specifically, this second procedure is triggered if such change results in the discontinuance of the STH routing over such highway. Prior to changing the STH routing, WisDOT may want to explore with the local unit of government that would have ultimate jurisdiction over the highway whether it could and would be interested in continuing the controlled access. As previously noted, subject to certain requirements under Wis. Stat. § 84.25(13), a county may request that the controlled-access status on a highway be continued under Wis. Stat. § 83.027, enforceable thereafter by the county. A

municipality may also have authority to assume continued enforcement of the controlled access under its home rule powers or through an agreement with WisDOT pursuant to Wis. Stat. § 84.25(9). That subsection reads:

"To facilitate the purposes of this section [Wis. Stat. § 84.25], the department and the governing bodies of a city, county, town or village are authorized to enter into agreements with each other or with the federal government respecting the financing, planning, establishment, improvement, maintenance, use, regulation or vacation of controlled-access highways or other public ways in their respective jurisdictions".

This second procedure would also apply where WisDOT makes a deletion to the STH system through a jurisdictional transfer agreement with any local unit of government, pursuant to Wis. Stat. § 84.02(8). A jurisdictional transfer agreement may contain any terms and conditions that WisDOT and the local unit of government may deem necessary regarding maintenance or rehabilitation of any highway transferred. Wis. Stat. § 84.02(8)(c). Together with this authority and the authority set out in Wis. Stat. § 84.25, in particular subs. (9) and (13), continuing the controlled access on a highway by a local unit of government either independently or as WisDOT's agent is achievable.

It is important to note that the best option for continuing the controlled access on a highway after the STH routing is discontinued is to have the local unit of government enforce the controls under its own local authority and jurisdiction. Tying the local unit of government's continued enforcement of the controlled access to Wis. Stat. § 84.25 may preclude WisDOT from banking the controlled-access miles for future use elsewhere.

A Village or City would have to enact an access control ordinance similar to Wis. Stat. § 84.25 and Wis. Stat. § 83.027, combined with Wis. Stat. § 86.07. Once the ordinance is in place, the municipality would pass a resolution declaring the street or highway a Controlled Access route. The municipality would then request transfer of access control from WisDOT to the municipality. WisDOT will then by letter agreement accept or reject this request and if accepted WisDOT could then vacate the access controls placed under Wis. Stat. § 84.25

No matter how the vacation is accomplished, if access rights have been purchased under Wis. Stat. § 84.09, the vacation will not have an impact on those purchased access controls and abutting properties would still have no right of access to the continued STH routing. However, if no access rights have been purchased and the highway had been designated a freeway or expressway and upgraded and classified a freeway or expressway in accordance with Wis. Stat. § 84.295, WisDOT will need to ensure that all right of access issues have been resolved in accordance with Wis. Stat. § 84.295(5) and (9) before implementing the vacation.

Vacation Orders are prepared by the Regions, reviewed by the BTS Access Management Engineer, and signed by the Director of the Bureau of Technical Services. Prior to starting the vacation process, discuss the idea with the BTS Access Management Engineer. The wording of the Vacation Order varies with the type of situation. While similar, a vacation because of a jurisdictional transfer is different than one for a discontinued STH or a vacation because the highway is now access controlled under Wis. Stat. § 84.295. Central Office has Vacation Order templates for each situation.

10.2 Updating Controlled Access Projects

Regions and the central office should periodically review access control projects to determine if the plan warrants an update. An update is required if:

1. Accesses in the field do not correspond to the existing project (i.e., there are illegal driveways or intersections).
2. Special restricted driveways (e.g., special crossings, agricultural PDs) no longer meet the criteria for which they were authorized.
3. There are existing accesses that can be removed because new roadways have been developed to provide alternate access.
4. There have been new land divisions (subdivisions, CSMs) along the roadway.

[Attachment 10.2](#) details the procedure to be followed when updating access control projects.

LIST OF ATTACHMENTS

- | | |
|---------------------------------|---|
| Attachment 10.1 | Example Orders to Vacate a Portion of Controlled-Access Highway |
| Attachment 10.2 | Procedure for Updating Access Control Projects |

To obtain a working copy of this DT form go to: <https://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx>. Then use the find function (Ctrl + f) to search the page for the DT form.

Document Number**RESOLUTION AGREEING TO CONTROL OF ACCESS ALONG LOCAL STREET OR HIGHWAY**

Wisconsin Department of Transportation
Exempt from fee s.77.25(2r) Wis. Stats.
DT2049 2/2014 S.84.25(9) Wis. Stats.

WHEREAS, the Department of Transportation, hereinafter designated as WisDOT, proposed the control of access along a portion of the local street or highway identified as Shelby Lane in connection with Controlled-Access Project 1234-56-29, Green Bay - Pulaski Road, (CTH JJ - STH 32) on USH 141 in Brown County, herein designated as the Project, in the Town of Pensaukee, Brown County; Wisconsin which Project is located and further described as follows:

Beginning at the intersection of USH 141 and CTH JJ in the SE1/4 of the SE1/4 of Section 23, Town 23 North, Range 21 East, and extending northerly along the centerline of USH 141 to the intersection with STH 32 in the NW 1/4 of the NE1/4 of Section 12, Town 25 North, Range 20 East, all in Brown County.

WHEREAS, s.84.25(9), Wisconsin Statutes, provides for cooperative agreements between WisDOT and the governing bodies of a city, county, town or village respecting the control of access on local streets or highways, and charges WisDOT to do all things necessary to carry out the cooperation contemplated and provided for by this Section;

NOW, THEREFORE, BE IT RESOLVED, for and in consideration of WisDOT's undertaking of this Project under the requirements of s.84.25 of the Wisconsin Statutes, that insofar as its legal jurisdiction over the local street or highway is concerned the Town of Pensaukee assents to the requirements of s.84.25 of the statutes and pledges its good faith to carrying out the purposes stipulated therein, and to this end the Town of Pensaukee hereby agrees that access will be controlled by WisDOT along the above-described street or highway extending from

The centerline of USH 141 to a point 500 feet east of USH 141 on Shelby Lane, and similarly to a point 500 feet west of the centerline of USH 141 on Shelby Lane

and affecting the adjacent properties located in

the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of Section 15, Town 24 North, Range 20 East, Town of Pensaukee, Brown County, Wisconsin.

(Resolution Presented By)

(Approved)

(Date Adopted)

(Title)

I, Dagwood Smith, Clerk of the Town of Pensaukee Wisconsin, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Highway Committee of the Town of Pensaukee, Wisconsin, on June 3, 2011 and that the said resolution was approved by the Pensaukee Town Board, on June 4, 2011.

(Signature, Title)

Dagwood Smith

(Print or Type Name)

(Date)

State of Wisconsin)

)

) ss.

Brown

County)

On the above date, this instrument was acknowledged before me by the named person(s).

Wisconsin Department of Transportation

(Signature for Regional Director)

Billy Bob Planner

(Print or Type Name)

February 24, 2014

(Date)

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

Sheet Number 3 of 9
Project ID 1234-56-29

This instrument was drafted by Wisconsin Dept. of Transportation

Local Road Shelby Lane

PROCEDURE FOR ESTABLISHING ACCESS CONTROL PROJECTS

1. Select projects from the State Access Management Plan (Tier 1,2a or 2b) and Corridor Management prioritization lists.
 - Field review to determine precise project limits.
 - Review the Six Year Program to determine if there is a pending improvement project where right-of way will be acquired. (If there is, consider acquiring access rights.)
 - Meet with local officials to discuss proposal and answer questions.
 - Send letters to the Bureau of Technical Services (BTS) Access Management Engineer and to local governmental units informing them about the proposal.
 - Verify there is local support for the proposal. (If there isn't, attempt to develop it.)
2. Create Project ID Number. There must be a separate project ID for each county on a project.
3. Obtain Basic Information.
 - Request aerial mosaic at 1" = 200'
 - Property ownership:
 - Obtain tax listing and tax parcel maps from the County Treasurer's office, preferably in a format that is GIS friendly (there may be a charge for the information);
 - Perform title search of the last deed of record and any access easements. In order to record the authorizations against parcels in Certified Survey Maps or subdivisions, the Register of Deeds will require a copy of the deed be attached to the authorization. Consider getting full title searches in areas with multiple parcels sharing driveways.
 - Obtain copies of Certified Survey Maps from County Surveyor's office;
 - Create computer list of ownership and addresses.
 - Locate existing access controls using:
 - Subdivision plats and Certified Survey Maps;
 - Access covenants (see Region Access Coordinator, Planning, Operations, and the Region Real Estate staff);
 - Previous right-of-way project or other 84.25 projects.
 - Highway Access Management System (HAMS).
 - Property deeds when access rights have been acquired.
 - Obtain auxiliary database for electronic deliverables from the Highway Access Management System form the BTS Access Management Engineer.
4. Conduct Engineering Studies.
 - Notify appropriate clearinghouse (see [FDM 5-1-5](#)).
 - Request traffic forecast.
 - Request 3 years of accident records.
 - Check existing access for safety problems.
 - Field review driveway locations. Notify the county sheriff's department and state patrol when and where you will be doing driveway location surveys. If possible provide the names of staff that will be doing the work. Also notify the Town Chairman about the survey and why it is being done. Use appropriate roadway signing when conducting the survey. Additional guidance is available in the WisDOT booklet entitled, Work Zone Safety, Guidelines for Construction, Maintenance, and Utility Operations:
<http://www.dot.wisconsin.gov/business/rules/docs/wzsb.pdf>
 - Use a GPS device to obtain the location of the driveway. Locate both edges of the driveway at the edge of the right of way. Locations should be +/- 3-foot accuracy. Use the current WisDOT standard coordinates (NAD 83, 2007 Adjustment, Wisconsin County Coordinate System as of April 2012).
 - Note locations on draft version of plan;
 - Take photographs of access points in a jpeg format (the photo should include identifying information or have a location data incorporated into it);
 - Locate any existing or pending driveway permits;

- Identify fire numbers associated with each driveway;
 - Note areas where the moving or elimination of access should be considered (see discussion in [FDM 7-15-5.1](#)).
 - Note that environmental documents are not required for access control projects because there are no construction actions and no FHWA participation.
5. Draft Preliminary Access Control Map (see [FDM 7-15 Attachment 5.4](#) for sample.)
- See [FDM Chapter 12](#) (Right-of-Way) - for map preparation standards.
 - Verify that property owner names shown on map are current and correct.
 - Add tax parcel numbers to parcels along with owners' names in the 40's adjacent to the highway only. If a parcel that has no frontage on the highway has an access easement or a driveway to the highway, include that parcel on the map.
 - Locate driveways and verify local roads from the latest WisDOT CVT plat maps.
 - Show current highway right-of-way.
 - Note status and current use of private drives (PDs) -- PD not constructed, joint residential PD, agricultural PD, etc.
 - Break map sheets at section lines, quarter lines, or 1/16th lines.
 - Map sheets should be developed in AutoCAD Civil 3D as a ".dwg" format or as directed by the State Access Management Engineer.
 - After completion of the preliminary map, do a thorough field review of the entire project. This entails driving the entire project and stopping by each driveway to see if it looks correct in relation to the plan, determine if any driveways were missed during the field survey, and discuss possible driveway relocations or removals. Restrictions should also be discussed, especially when multiple driveways or horse shoe driveways are located on a parcel, and where alternative access to another road exists. Potential joint driveways should also be considered.
6. Public Involvement
- See [FDM Chapter 6](#) for a detailed explanation of the public involvement process.
 - Keep the Access Management Engineer in the BTS informed about the progress of the public involvement process.
 - Conduct a Local Officials Meeting.
 - Invite the County Highway Commissioner(s), County Planning and Zoning Administrator, Regional Planning Commission, Town, Village, and City Officials;
 - Ensure the controlled access proposal is not in conflict with county or local land use plans;
 - Explain the 84.25 process and enlist project support;
 - Provide information and brochures. Include example copies of deliverables from previous projects to help explain the process and what is required;
 - Make "Planning Highway Access" video available;
 - Show aerial exhibit, if necessary, and respond to questions;
 - Field review project if desired/necessary;
 - Offer to speak at the County Highway Committee, Town, Village and City meetings to explain the process, provide information, and obtain resolutions of support;
 - Obtain County and Town access policy and regulations.
 - Encourage expanding the State access control limits down side roads for 500 feet (or other specified distance) unless local access controls are sufficiently restrictive. This additional control can protect the functionality of the intersection. Provide form DT2049 "Resolution Agreeing to Control of Access Along Local Street or Highway" for their use.
 - Notify landowners.
 - Send letter explaining project via United States Postal Service mail (note any returns, revise and resend based on changes);
 - Regional staff should meet personally with property owner if changes to current access are suggested or if owner desires a meeting.
 - Create exhibit, using aerial mosaic, showing:
 - Property lines;

- Owner's names;
 - Existing driveway locations and current use (from field review);
 - Town road/local road names;
 - Project limits.
 - Hold a public involvement meeting (PIM) to explain the project.
 - This should be held a few months before the public hearing;
 - See [FDM 6-10](#), "Public Involvement- Public Involvement Meetings".
 - **Maintain a Public Contact Log of all comments made and follow-up actions where appropriate.** Follow-up of the comments received at the PIM is important and should be done as soon after the PIM as possible. Some comments may not be relevant to the access control project and should be forwarded to the appropriate Regional staff. Access control projects can take several years to develop. The contact log documents various discussions with property owners and the decisions made relative to their property.
7. Public Hearing Process. See [FDM 6-15](#), "Public Involvement - Public Hearings".
- Determine the type of Public Hearing to hold, and document the reasons for that decision in the project file.
 - Draft Hearing Notice. (See [FDM 7-15 Attachment 5.5](#) for sample notice).
 - Select date and location (coordinate with locals and BTS Access Management Engineer). Location must be in the county of the project. If there are multiple counties, you must have a hearing in each county;
 - Draft Project Statement.
 - Assemble the following items (make them available at hearing and put in project file):
 - Hearing notice text;
 - List of official local newspapers;
 - Project location map;
 - Public involvement worksheet;
 - County map;
 - Project statement.
 - Publish Hearing Notice
 - A Class 3 hearing notice is required for an access-control project. (See text of this procedure)
 - The Region Communications Manager or Purchasing Agent arranges for the publication of notices in the official and other designated newspapers (must publish in the County where the project is located);
 - Send copy of notice to BTS Access Management Engineer for review prior to publication.
 - Inform the BTS Access Management Engineer when a preferred location and date for the hearing have been determined.
 - See [FDM 6-15-20](#), Public Hearing Pre-Hearing Activities and [FDM 6-15-35](#) Preparing for a Public Hearing.
 - Notify affected property owners by registered/certified mail.
 - Prepare hearing statement (testimony).
 - Show "Planning Highway Access" video at hearing. During an open format hearing this can be playing off to one side of the room.
 - Post aerial photo exhibits.
 - Document discussions with property owners.
 - Send copy of official transcript to local officials. (Send at later date if unavailable.)
 - Follow-up on comments made at the Hearing. Document actions taken in the Public Contact Log. As with the PIM, it is important to document and follow-up on comments as soon as possible after the Hearing.
 - Prepare Post Hearing Report for submittal to the BTS Access Management Engineer that includes the following:
 - Overview
 - Introduction

- Project description
- Background
- Public involvement
 - Project development
 - Public hearing
- Recommendations and activities
 - Region recommendations
 - Future activities
- Attachments
 - Public Involvement Meeting handout and minutes with follow-up on questions asked.
 - Public contact log
 - Notice of hearing and publication proof
 - Public hearing transcript with handouts and Public Statement, register of attendees, and photographs of hearing display exhibits
 - Public hearing minutes and follow-up on action items
 - List of owners.

8. Finding, Determination, and Declaration.

- Submit package of information to the BHD Director, to the attention of the Access Management Coordinator. Information should include:
 - Cover letter requesting project approval;
 - Post Hearing Report;
 - Summary of public contacts and follow-up actions;
 - Preliminary controlled access map;
 - Project location/limits map;
 - Finding, Determination, and Declaration (FDD) - to be approved/signed by BTS (See [FDM 7-15 Attachment 5.7](#) for sample FDD in recordable format);
 - Address of official county newspaper(s) and/or newspapers used to publish the Hearing Notice.
- BTS will publish Finding, Determination, and Declaration in the same newspaper(s) the Hearing Notice was published in. Upon verification of publication, BTS will send the original signed FDD to the Region for recording at the Register of Deeds Office.
- Record/file Finding, Determination and Declaration with:
 - County Register of Deeds;
 - County Clerk;
 - County Highway Commissioner.
- Send the original, signed, recorded FDD to the BTS Access Management Engineer.

9. Finalize Controlled Access Map.

- Map should comply with the WisDOT Statewide Guidelines for 84.25 Controlled Access Map and Authorizations (see [FDM 7-15 Attachment 5.9](#)).
- Create access authorization forms or notice of non-access forms (see [FDM 7-15 Attachment 5.3](#) for three examples of filled out authorization forms ([DT2048](#))).
 - Verify that owner information and tax information is correct at the County Register of Deeds and the County Treasurer's Offices;
 - Do a quality control check of the information on the authorization forms;
 - Have final correct version of authorization forms and non-access forms approved by the Region Director and notarized;
 - A notice of Non-access forms ([DT2047](#)) is required for any properties which are not being given access to the highway because they have alternative access to the public road network; for adjacent railroad lines which have sufficient access to them via public road crossings; and for abandoned or closed local roads (see [FDM 7-15 Attachment 5.8](#) for a sample Notice of Non-access form);
- Each abutting property shall have either an authorization form DT2048, or a Non-access form.

- Send finalized access map pages to the BTS Access Management Engineer for the BTS Director's signature.
 - Attach cover letter with project summary.
- Printing
 - Copies needed:
 - 1 set for each local unit of government, as appropriate, plus a few extra.
 - Each property owner along project gets copy of the sheet showing his property.
 - One large copy for region planning area, if desired.
- Notify local officials of plan approval by letter.
- Record authorization forms and notice of non-access forms with the county Register of Deeds office.
 - Do a final check of ownership information in case there have been some recent changes in ownership, if necessary, modify the documents appropriately.
 - Include copy of project map sheet(s);
 - It may be necessary to submit in batches - coordinate with county Register of Deeds.
- Send copy of recorded authorization form with applicable plan page(s) to property owner
 - If there has been a change of ownership, include a letter briefly explaining the project and public involvement process to date so that they know what it is they are receiving.
 - Send by certified mail;
 - Resend any returns based on noted corrections if possible, or if correction cannot be made, file in project file.
 - Send original recorded authorization forms to the BTS Access Management Engineer,
 - Prepare the electronic data required for inclusion of the project in the Highway Access Management System. -Contact the BTS Access Management Engineer for information on what is required.

10. Close Out Project.

- Create file for all project correspondence.
 - Include copy of project plan (plat) sheets.
 - Provide copy to Real Estate and Maintenance if desired.
- Periodically update the plan as needed.
 - See [FDM 7-15-10](#).
- File extra copies of plan in the planning area.

To obtain a working copy of this DT form go to: <http://wisconsin.gov/Pages/global-footer/formdocs/default.aspx>. Then use the find function (Ctrl + f) to search the page for the DT form.

Document Number**REVOCATION OF AUTHORIZATION FOR ACCESS TO OR ACROSS A CONTROLLED-ACCESS HIGHWAY**

Wisconsin Department of Transportation
DT2050 7/2014

Pursuant to the provisions of s.84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 67 in Walworth County, as a Controlled-Access highway, designated as Controlled-Access Project 1234-56-29, Darien - Avalon Road, CTH X to STH 138, effective on and after August 6, 1951; as recorded in Volume 67 Page 235 of the Walworth County Register of Deeds Office as Document Number 234567.

The Department of Transportation having heretofore given approval and consent to direct access between said highway and

The lands of the owner in the NW ¼ of the NE ¼ of Section 4, Township 4 North, Range 4 East, Town of Bradford, Walworth County, Wisconsin

by means of 2 Private Driveway(s) and 0 Special Crossing(s), located as follows:

One private driveway on the East side of STH 67 and one Agricultural driveway on the West side of STH 67,

does hereby revoke the above authorized access designated as:

Document 4567898 in Volume 23, Page 15, recorded on July 29, 1960 in the Walworth County Registry

for the following reason(s):

Access is now provided via Cobblestone Road.

THIS NOTIFICATION, superseding any and all prior Authorizations, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

Hayden Morse

(Owner Name)

1234 Highland Avenue, Beloit, WI 53123

(Address)

(Owner Name)

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

) ss.

County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

Project ID 1234-56-29

This instrument was drafted by WisDOT

30

CONTROLLED-ACCESS HIGHWAY AUTHORIZATION

Wisconsin Department of Transportation
DT2048 6/2015 (Exempt from s.706 Wis. Stats.)

Pursuant to the provisions of s. 84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 57 in Door County, as a Controlled-Access Highway, designated as Controlled-Access Project 1234-56-78, Dykesville - Sturgeon Bay, effective on and after January 10, 2016 as recorded in Volume 158, Page 45 of the Door County Register of Deeds Office as Document Number 987654321.

The Department of Transportation approves and consents to direct access between said highway and the lands of the owner(s) in the Lot 1 of CSM 1234, Volume 8, Page 56, NW 1/4 of the NW 1/4 of Section 4, Township 26 North, Range 24 East, Town of Brussels, Door County, Wisconsin

by means of 1 Private Driveway(s); 0 Public Highway(s); 0 Special Crossing(s)⁽¹⁾; 0 Trail Connection(s) located as follows: one private driveway on the North side of STH 57.

The authorized access is subject to the terms and conditions as may be set forth by the Department from time to time to document the authorized connection or for work on the controlled access highway as required by s. 84.25 Wisconsin Statutes.

This AUTHORIZATION may be revoked at any time by the Department of Transportation. This AUTHORIZATION does not create an interest in property for which compensation must be paid upon revocation or modification.

THIS AUTHORIZATION, supersedes and revokes any and all prior Authorizations and access covenants including the following: Document 56789 recorded March 6, 2011, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

**1 DRIVEWAY
NO RESTRICTIONS**

This space is reserved for recording data

Return to:

John Wurker
WisDOT NE Region Office
944 Vanderperren Way
Green Bay, WI 54304

Parcel Identification Number/Tax Key Number
12345-6789-00; 12345-6789-01; 12345-6789-05

Jim Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Sally Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

) ss.

Door County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Eye Emma Notry

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2020

(Date Commission Expires)

Sheet Number 4

Driveway No. 28

Project ID 1234-56-78

This instrument was drafted by WisDOT

Parcel No. 31

⁽¹⁾ A SPECIAL CROSSING is to be used solely for travel between severed parcels under the same ownership; such use shall cease and the crossing shall be removed if such parcels pass into separate ownership.

CONTROLLED-ACCESS HIGHWAY AUTHORIZATION

Wisconsin Department of Transportation
DT2048 6/2015 (Exempt from s.706 Wis. Stats.)

Pursuant to the provisions of s. 84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 57 in Door County, as a Controlled-Access Highway, designated as Controlled-Access Project 1234-56-78, Dykesville - Sturgeon Bay, effective on and after January 10, 2016 as recorded in Volume 158, Page 45 of the Door County Register of Deeds Office as Document Number 987654321.

The Department of Transportation approves and consents to direct access between said highway and the lands of the owner(s) in the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4 of Section 4, Township 26 North, Range 24 East, Town of Brussels, Door County, Wisconsin. Further described in attached deed.

by means of 1 Private Driveway(s); 0 Public Highway(s); 0 Special Crossing(s)⁽¹⁾; 0 Trail Connection(s) located as follows: one joint private driveway on the North side of STH 57 located on Parcel 40 and to be shared with Parcels 40 and 41.

The authorized access is subject to the terms and conditions as may be set forth by the Department from time to time to document the authorized connection or for work on the controlled access highway as required by s. 84.25 Wisconsin Statutes.

This AUTHORIZATION may be revoked at any time by the Department of Transportation. This AUTHORIZATION does not create an interest in property for which compensation must be paid upon revocation or modification.

THIS AUTHORIZATION, supersedes and revokes any and all prior Authorizations and access covenants including the following: Document 56789 recorded March 6, 2011, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

**1 JOINT DRIVEWAY
NO RESTRICTIONS**

This space is reserved for recording data

Return to:

John Wurker
WisDOT NE Region Office
944 Vanderperren Way
Green Bay, WI 54304

Parcel Identification Number/Tax Key Number
12345-6789-00; 12345-6789-01; 12345-6789-05

Jim Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Sally Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

)

) ss.

Door County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Eye Emma Notry

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2020

(Date Commission Expires)

Sheet Number 5

Driveway No. 31

Project ID 1234-56-78

This instrument was drafted by WisDOT

Parcel No. 38

⁽¹⁾ A SPECIAL CROSSING is to be used solely for travel between severed parcels under the same ownership; such use shall cease and the crossing shall be removed if such parcels pass into separate ownership.

CONTROLLED-ACCESS HIGHWAY AUTHORIZATION

Wisconsin Department of Transportation
DT2048 6/2015 (Exempt from s.706 Wis. Stats.)

Pursuant to the provisions of s. 84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 57 in Door County, as a Controlled-Access Highway, designated as Controlled-Access Project 1234-56-78, Dykesville - Sturgeon Bay, effective on and after January 10, 2016 as recorded in Volume 158, Page 45 of the Door Country Register of Deeds Office as Document Number 987654321.

The Department of Transportation approves and consents to direct access between said highway and the lands of the owner(s) in the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4 of Section 4, Township 26 North, Range 24 East, Town of Brussels, Door County, Wisconsin. Further described in attached deed.

by means of 3 Private Driveway(s); 0 Public Highway(s); 0 Special Crossing(s)⁽¹⁾; 0 Trail Connection(s) located as follows: one private driveway on the North side of STH 57 approximately 1000 feet west of School Road, one agricultural driveway for planting, maintaining and harvesting of crops and/or animal husbandry on the North side of STH 57, and one single family residential driveway on the South side of STH 57.

The authorized access is subject to the terms and conditions as may be set forth by the Department from time to time to document the authorized connection or for work on the controlled access highway as required by s. 84.25 Wisconsin Statutes.

This AUTHORIZATION may be revoked at any time by the Department of Transportation. This AUTHORIZATION does not create an interest in property for which compensation must be paid upon revocation or modification.

THIS AUTHORIZATION, supersedes and revokes any and all prior Authorizations and access covenants including the following: Document 56789 recorded March 6, 2011, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

**3 DRIVEWAYS
WITH RESTRICTIONS**

This space is reserved for recording data

Return to:

John Wurker
WisDOT NE Region Office
944 Vanderperren Way
Green Bay, WI 54304

Parcel Identification Number/Tax Key Number
12345-6789-00; 12345-6789-01; 12345-6789-05

Jim Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Sally Citizen

(Owner Name)

N3456 Highway 57, Brussels, WI 54204

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

) ss.

Door County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Eye Emma Notry

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2020

(Date Commission Expires)

Sheet Number 5

Driveway No. 30, 31 & 32

Project ID 1234-56-78

This instrument was drafted by WisDOT

Parcel No. 38

⁽¹⁾ A SPECIAL CROSSING is to be used solely for travel between severed parcels under the same ownership; such use shall cease and the crossing shall be removed if such parcels pass into separate ownership.

CONTROLLED-ACCESS HIGHWAY AUTHORIZATION

Wisconsin Department of Transportation
DT2048 6/2015 (Exempt from s.706 Wis. Stats.)

Pursuant to the provisions of s. 84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 57 in Door County, as a Controlled-Access Highway, designated as Controlled-Access Project 1234-56-78, Dykesville - Sturgeon Bay, effective on and after January 10, 2016 as recorded in Volume 158, Page 45 of the Door County Register of Deeds Office as Document Number 987654321.

The Department of Transportation approves and consents to direct access between said highway and the lands of the owner(s) in the SW 1/4 of the NW 1/4 of Section 5, Township 26 North, Range 24 East, Town of Brussels, Door County, Wisconsin. Further described in attached deed.

by means of 1 Private Driveway(s); 1 Public Highway(s); 0 Special Crossing(s)⁽¹⁾; 0 Trail Connection(s) located as follows: one public highway, School Road, located on the North and South sides of STH 57.

The authorized access is subject to the terms and conditions as may be set forth by the Department from time to time to document the authorized connection or for work on the controlled access highway as required by s. 84.25 Wisconsin Statutes.

This AUTHORIZATION may be revoked at any time by the Department of Transportation. This AUTHORIZATION does not create an interest in property for which compensation must be paid upon revocation or modification.

THIS AUTHORIZATION, supersedes and revokes any and all prior Authorizations and access covenants including the following: , is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

1 PUBLIC HIGHWAY

This space is reserved for recording data

Return to:

John Wurker
WisDOT NE Region Office
944 Vanderperren Way
Green Bay, WI 54304

Parcel Identification Number/Tax Key Number
12345-6789-00; 12345-6789-01; 12345-6789-05

Town of Brussels

(Owner Name)

N9786 Town Hall Road, Brussels, WI 54204

(Address)

(Owner Name)

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

) ss.

Door County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Eye Emma Notry

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2020

(Date Commission Expires)

Sheet Number 6

Project ID 1234-56-78

This instrument was drafted by WisDOT

Road Name School Road

⁽¹⁾ A SPECIAL CROSSING is to be used solely for travel between severed parcels under the same ownership; such use shall cease and the crossing shall be removed if such parcels pass into separate ownership.

PROJECT ID: 8060-00-29
WITH: N/A

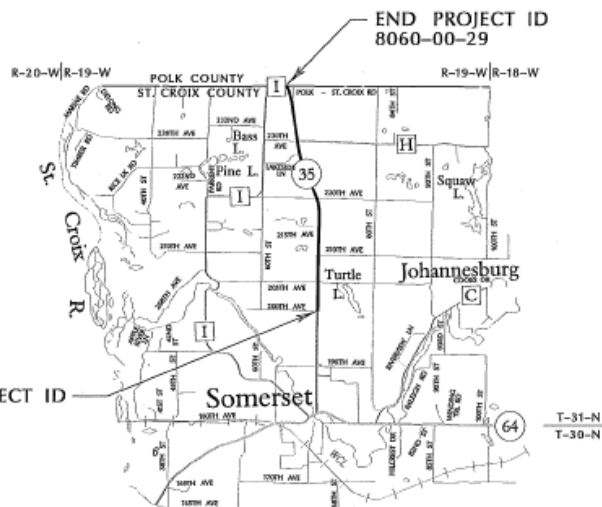
COUNTY: ST. CROIX

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
MAP OF CONTROLLED ACCESS
SOMERSET - ST. CROIX FALLS
200TH AVENUE TO NORTH COUNTY LINE
STH 35
ST. CROIX COUNTY

STATE PROJECT NUMBER
8060-00-29

CONVENTIONAL SIGNS AND ABBREVIATIONS

STATE LINE	---
COUNTY LINE	----
TOWNSHIP AND RANGE LINES	-----
SECTION LINE	-----
QUARTER LINE	-----
SIXTEENTH LINE	-----
NEW CONTROL (R/W) LINE	-----
PROPERTY LINE	-----
CORPORATE LIMITS	-----
EASEMENT	-----
SECTION CORNER	
PRIVATE DRIVEWAY	P.D.
PROPERTY LINE	P.L.
PUBLIC HIGHWAY	P.H.
SPECIAL CROSSING	S.C.
LOG MILE	L.M.
AGRICULTURAL ENTRANCE	AGRI.
RESTRICTED	RSTR.

BEGIN PROJECT ID
8060-00-29LAYOUT
SCALE 0 1 MI.

TOTAL NET LENGTH OF CENTERLINE = 4.12 MI.

EXISTING HIGHWAY RIGHT-OF-WAY SHOWN HEREIN IS BASED ON THE FOLLOWING PREVIOUS PROJECTS: ST. CROIX COUNTY PARCEL MAPPING

FILE NAME : P:\4600\4630_50_10_STH35_STC\CADD5\Plan\090301.dgn

PLOT DATE : 10/5/2011

PLOT BY : kcb

PLOT NAME :

PLOT SCALE : 1:400

WISDOT/CADD5 SHEET 1B



REVISED & AMENDED

THIS CONTROLLED ACCESS PLAN
APPROVED AND ADOPTED PURSUANT TO
FINDING DETERMINATION AND DECLARATION
BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION

DIRECTOR BUREAU OF TECHNICAL SERVICES

 DATE: 10/7/2011 *Ruben P. Beland*
 Signature

E

FINDING, DETERMINATION AND DECLARATION
APPROVED BY THE WISCONSIN DEPARTMENT
OF TRANSPORTATION ON J&T-28TH-2008
RECORDED ON SEPTEMBER-6TH-2009
AS DOCUMENT NUMBER 941099
IN THE ST. CROIX COUNTY REGISTRY.
EFFECTIVE ON AUGUST-25TH-2008
THE DATE OF PUBLICATION.

PARCEL NO.	SHEET NO.	PIN NO.	OWNER NAME	VOLUME	PAGE	DOCUMENT NO.
1	3	032-1061-90-100	ROBERT J. WELLS TRUST	2222	628	78263
2	3	032-1061-90-100	CAROLE J. SCHWAN	2193	397	78757
3	3	032-1066-90-000	CAROLE J. SCHWAN	1080	590	---
4	3	032-1061-70-000	JAMES D. RIPPES	2169	591	790274
5	3	032-1062-60-000	TERRY L. JAHNKE	---	---	896847
6	3	032-1061-80-000	TERRY L. JAHNKE	---	---	896847
7	3	032-1062-50-000	DANIEL & JENNIFER BALLARGEON	---	---	865246
8	3	032-1062-90-000	DEANNA L. BACON	---	---	894019
9	3	032-1060-70-000	SETH A. & HOLLY J. HOFLAND	2880	105	805241
10	3	032-1060-70-300	ALLEN D. & KATHERINE S. LESNAU	2676	524	771136
11	3	032-1060-70-400	DALE F. & DIANNE E. COLBURN	1412	509	599890
12	3	032-1060-30-100	JON A. & RENAE M. BELL	---	---	923762
13	3	032-1060-30-000	JON A. & RENAE M. BELL	---	---	923764
14	3	032-1060-20-000	DANIEL SAMPSON & JESSICA HEINZ	---	---	899400
15	3	032-1066-40-225	LENNON J. & LISA M. GERMAIN	---	---	059526
16	3	032-1066-10-000	RUSSELL L. MULLMAN	2408	372	739863
17	3	032-1066-80-000	RUSSELL L. MULLMAN	2408	372	739863
18	3	032-1066-50-000	ARLENE M. TILSETH TRUST	---	---	898202
19	3	032-1066-60-000	BAMBI J. BARBITT	868	388	635439
20	3	032-1065-80-055	SCOTT R. & BRADLEY N. SUDH	---	---	924067
21	3	032-1066-40-125	LOUIS & LORRAINE GERMAIN	473	324	---
22	3	032-1066-90-000	LOUIS & LORRAINE GERMAIN	2010	565	694055
23	3	032-1066-10-000	WAYNE E. & DIANE M. LARSON	707	295	---
24	3	032-1065-50-26	FIRST NATIONAL COMMUNITY BANK	---	---	988279
25	3	032-1065-50-170	FIRST NATIONAL COMMUNITY BANK	---	---	988279
26	3	032-1065-50-160	FIRST NATIONAL COMMUNITY BANK	---	---	988279
27	3	032-1065-50-165	FIRST NATIONAL COMMUNITY BANK	---	---	988279
28	3	032-1065-30-000	CRAIG A. & REBECCA J. DUFRESNE	2542	208	758751
29	3	032-1065-30-000	CRAIG A. & REBECCA J. DUFRESNE	2542	208	758751
30	3	032-1065-10-025	WALTER E. & DEBRA C. GERMAIN	---	---	884994
31	4	032-1041-10-025	WALTER E. & DEBRA C. GERMAIN	2698	400	780327
32	4	032-1041-80-125	WALTER E. & DEBRA C. GERMAIN	---	---	886291
33	4	032-1041-50-100	NANCY C. AUFDERHAAR	2697	20	807666
34	4	032-1041-50-000	DORIS E. & JOHN A. HANNER TRUST	---	---	815726
35	4	032-1039-40-000	CRAIG W. & STEPHANIE PROULX SWANSON	2667	187	775882
36	4	032-1039-50-000	ROBERT LYLE HELBIG	913	597	---
37	4	032-1039-30-000	DIANE M. & JAMES E. REGER	2137	564	785875
38	4	032-1039-10-000	ROBERT L. BELSLE	---	---	884999
39	4	032-1038-10-000	ROBERT L. BELSLE	---	---	884999
40	4	032-1037-50-000	SHARON S. GERMAIN	---	---	929637
41	4	032-1037-40-000	MILAN A. & DELORES KROHN	479	84	---
42	4	032-1037-30-000	BRANDON T. KROHN & JENNIFER HARTWICK	---	---	921921
43	4	032-1037-40-10	MARK BORNEN	---	---	903256
44	4	032-1036-90-000	M & G INC	1864	369	675058
45	4	032-1037-20-000	M & G INC	---	---	903254
46	4	032-1036-90-200	ASHELL L. & MERLY E. LOCKER	875	26	63671
47	4	032-1036-80-000	PATILLYNN SATTLER	---	---	865848
48	4	032-1036-90-100	PATILLYNN SATTLER & RICHARD W. BENSON	---	---	865849
49	4	032-1036-70-000	THOMAS M. & SUSAN M. GERMAIN TRUST	---	---	920722
50	5	032-1032-60-000	STEVEN H. STUDER	---	---	924745
51	5	032-1032-70-000	STEVEN H. STUDER	---	---	924745
52	5	032-1032-80-000	JANICE SHOEMAN	---	---	924747
53	5	032-1030-50-100	DANIEL J. BENS	---	---	---
54	5	032-1030-50-200	KENNETH R. & CHERYL C. WHALEN	2164	509	712454
55	5	032-1030-50-200	JOAN M. PLACE	2172	56	713285
56	5	032-1030-40-000	CHAS F. & MARY ANN TRAISER FAMILY TRUST	942	336.34	---
57	5	032-1030-20-000	CHAS F. & MARY ANN TRAISER FAMILY TRUST	1197	114	---
58	5	032-1030-30-000	CHAS F. & MARY ANN TRAISER FAMILY TRUST	1197	114	---
59	5	032-1030-40-000	CHAS F. & MARY ANN TRAISER FAMILY TRUST	942	336.34	---
60	5	032-1030-60-000	DONALD R. & DOROTHY M. MARTIN TRUST	2720	430A	783339
61	5	032-1030-70-000	DONALD R. & DOROTHY M. MARTIN TRUST	2720	430A	783339
62	5	032-1030-45-000	LEANNE A. & DAVID R. KOEPKE	---	---	877546
63	6	032-1005-80-000	RUSSELL A. & JACQUELYN D. PATRICK	1009	521	599174
64	6	032-1032-50-000	JUDY LILLESVE	---	---	924746
65	6	032-1005-10-000	CLETUS & RAMONA BELLE ISLE	---	---	877543
66	6	032-1005-10-000	CLETUS & RAMONA BELLE ISLE	46	443	---
67	6	032-1004-90-000	MICHAEL & HEATHER MCCONAUGHEY	987	42	---
68	6	032-1004-50-000	LOURANE SWANBERG	1859	203	674320
69	6	032-1004-80-000	CHARLES G. & PAMELA A. COUTURE	---	---	---
70	6	032-1004-70-000	JOHN M. SCHNEIDER & JOYCE HARDER	2423	290	741841
71	6	032-1003-80-000	JOSEPH J. RIVARD TRUST	1450	241	610819
72	6	032-1003-95-000	PATRICIA M. BORK	---	---	904944
73	6	032-1005-60-050	BREMER BANK	---	---	938425
74	6	032-1005-60-075	BREMER BANK	---	---	938425
75	6	032-1003-60-100	GERALD J. & JENNIFER L. LAVENTURE	---	---	825219
76	6	032-1003-70-000	KENNETH J. & JANICE M. POTTING	185	319	---
77	6	032-1004-60-000	KENNETH J. & JANICE M. POTTING	185	319	---

REVISION DATE:

PROJECT NO: B060-00-29

HWY: STH 35

COUNTY: ST. CROIX

CONTROLLED ACCESS MAP

DATE: 09/28/2011

SCALE: N/A

SHEET 2 OF 6

E

FILE NAME : p:\45xxx\4630.sp,10.sth35.stc\cadd\p10m\090302.dgn

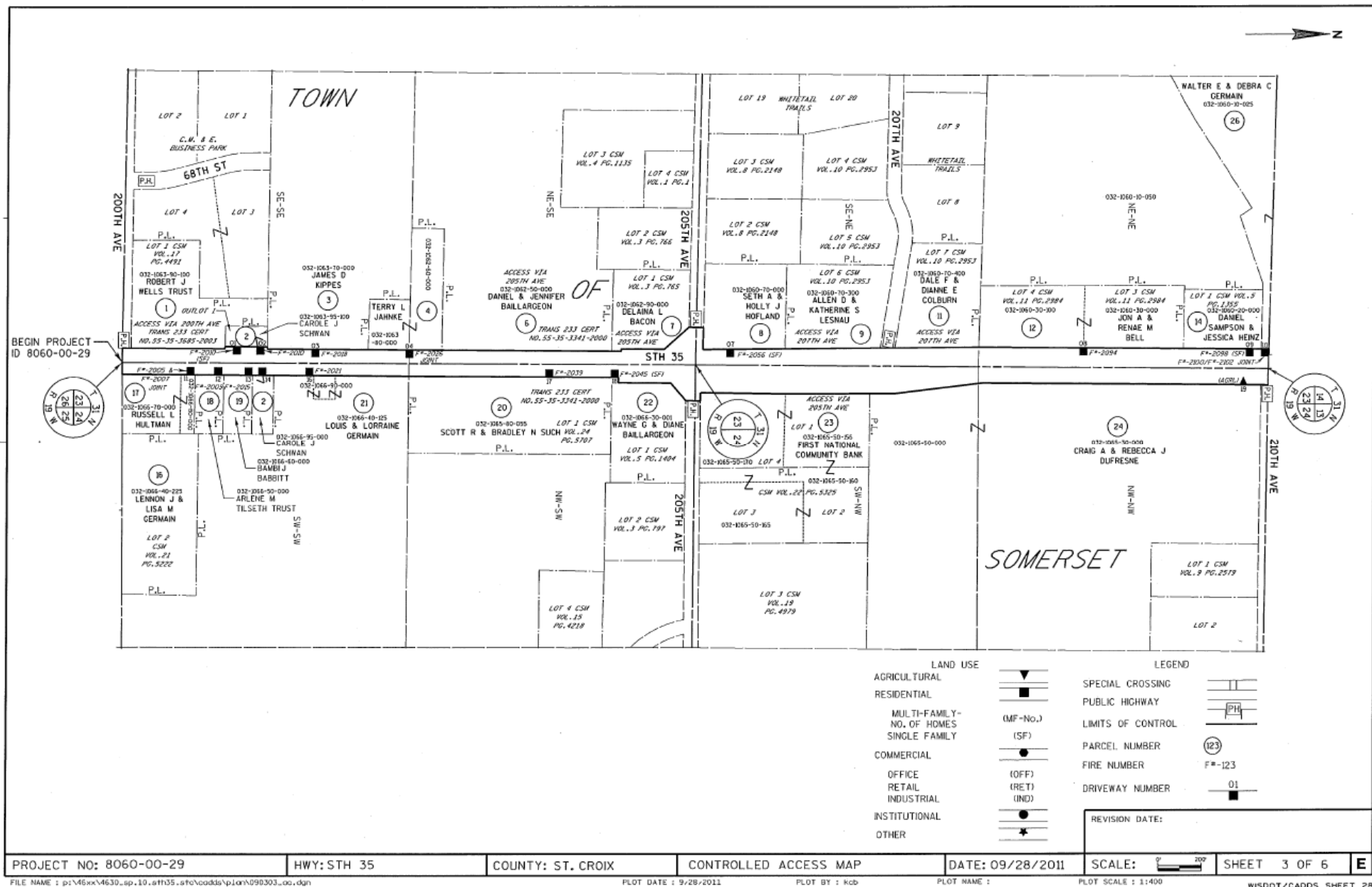
PLOT DATE : 9/28/2011

PLOT BY : kcb

PLOT NAME :

PLOT SCALE : 1:1400

WISDOT/CADD SHEET 28



**NOTICE OF PUBLIC HEARING
FOR DESIGNATING AS A CONTROLLED ACCESS HIGHWAY
CERTAIN PORTIONS OF USH 12 IN SAUK COUNTY**

Notice is given that the Wisconsin Department of Transportation will hold a public hearing on the above matter at 7:00 pm on May 1, 2014 at the Town Hall, Town of Prairie Du Sac.

As an information service, staff from the Department's Region Office and the consultant, Short Elliott Hendrickson, will be present at the Prairie Du Sac Town Hall from 5:30 p.m. to 8:00 p.m. on the day of the hearing for informal discussion with interested persons. A map will be on display and a statement about the proposal will be available.

Information concerning the proposal is also available for inspection and copying at the Department's SW Region - Madison Office located at 2101 Wright Street Madison, WI 53704, telephone (608) 246 - 3800.

The highway segment(s) on the state trunk system proposed to be designated as a controlled access highway in accordance with Section 84.25, Wisconsin Statutes, named and officially laid out as USH 12 and located in the County of Sauk, is described as follows: Commencing from the intersection of CTH W and USH 12 thence heading in a southerly direction along the centerline of USH 12 to a point of intersection with Leuder's Road.

Provisions have been made for the submission of written statements of other exhibits in place of or in addition to the testimony presented at the public hearing. This additional testimony will be included in the official hearing transcript if mailed or faxed no later than May 15, 2014. Testimony is to be addressed to Wisconsin Department of Transportation, Nicholas Peterson, SW Region - Madison, 2101 Wright Street Madison, WI 53704.

The hearing site is ADA accessible. If you are deaf or hard of hearing and require an interpreter one will be provided if you contact Nicholas Peterson on or before April 21, 2014 at (608) 246 - 3864 (not a TDD Number), Monday through Friday 8:00 a.m. to 4:30 p.m. Calls can also be placed through the Wisconsin Telecommunications Relay System at 1-800-947-3529.

The Department will review all testimony presented and reserves the right to designate all or part of the above described section of USH 12 as a controlled access highway.

**Wisconsin Department of Transportation
Division of Transportation System Development
Project I.D. 1670-02-29**

Suggested Wording to Be Used on Authorizations

For use on [DT2048](#), Controlled Access Highway Authorization, in the space following the words “located as follows:”

Private Driveway

One private driveway, located on the XXXX side of STH 11 (Driveway No. XXX).

Private Residential Driveway

One private driveway, restricted to single-family residential use located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the land is used for such purpose.

Joint Residential Driveway

One joint residential driveway (located/shared) (on/with) Parcel Number X (OWNER), restricted to single-family residential use located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the lands are used for such purpose.

Private Agricultural Driveway

One private agricultural driveway restricted to agricultural purposes for the planting, maintaining and harvesting of crops, and/or animal husbandry located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the land is used for such purpose(s).

Joint Agricultural Driveway

One joint agricultural driveway (located/shared) (on/with) Parcel Number X (OWNER), restricted to agricultural purposes for the planting, maintaining and harvesting of crops, and/or animal husbandry located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the lands are used for such purpose(s).

Private Commercial Driveway

One private commercial driveway restricted to commercial uses located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the land is used for such purpose.

Joint Commercial Driveway

One joint private commercial driveway (located/shared) (on/with) Parcel Number X (OWNER), restricted to commercial uses located on the XXXX side of STH 11. (Driveway No. XXX) Said authorization shall continue only as long as the lands are used for such purpose.

Special Crossing

Special Crossing XXX is authorized for the sole access of severed parcels under the same ownership across STH XXX. Such use shall cease and the crossing shall be removed if such parcels pass into separate ownership

All of the above descriptions can be further restricted by identifying the exact location of a driveway. For example, “... located on the west side of STH 11, 1,000 feet west of the CTH G intersection”, or “...located north of the drainage ditch on the west side of STH 11”, or “... located within the westerly 500 feet of highway frontage on CSM 1237 Lot 2”.

There may be cases where additional restrictions are warranted.

To obtain a working copy of this DT form go to: <http://wisconsin.gov/Pages/global-footer/formdocs/default.aspx>. Then use the find function (Ctrl + f) to search the page for the DT form.

Document Number**FINDING, DETERMINATION, AND DECLARATION**

Wisconsin Department of Transportation
DT2243 7/2014 s.84.25 Wis. Stats.

The Wisconsin Department of Transportation is establishing a Certain Controlled-Access Highway in Barron County, Wisconsin, with reference to rural portions of a certain United States Highway in the Village of Turtle Lake, the Town of Almena, and the Town of Crystal Lake.

The Wisconsin Department of Transportation, referred to as the DEPARTMENT, judging that public safety, convenience, and the general welfare require effective and special control of traffic entering upon or leaving rural portions of a certain United States Highway in Barron County, Wisconsin, as officially laid out and known as United States Highway 63, beginning at the intersection with United States Highway 8 near the Village of Turtle Lake and extending northeasterly along the centerline of United States Highway 63 to the west intersection with State Trunk Highway 48 near the City of Cumberland, for a net centerline distance of approximately 10.94 miles, and having made traffic engineering surveys, investigations, and studies as required by law, and having held a public hearing in the matter on August 4, 2010, from 5:00 p.m. to 7:00 p.m. at the Cumberland Middle School, in the City of Cumberland, Barron County, Wisconsin, following notice duly given by three separate publications in the Barron News-Schild on July 14, 2010, July 21, 2010 and July 28, 2010; in the Cumberland Advocate on July 14, 2010, July 21, 2010 and July 28, 2010; and in the Rice Lake Chronotype on July 14, 2010, July 21, 2010 and July 28, 2010 having general circulation in the area and having done all things in the manner required by law to be done by the DEPARTMENT.

This space is reserved for recording data

Return to:

Wisconsin Department of Transportation
Attn: Joe Planner
Northwest Region Office
718 W. Clairemont Avenue
Eau Claire, WI 54701-5108

The Wisconsin Department of Transportation finds, determines, and declares:

- I. That it is necessary in the interest of public safety, convenience, and the general welfare that the rural portions of the officially laid out United States Highway, including appurtenant ramps and connecting roadways in the right of way, beginning at the intersection with United States Highway 8 in the NW 1/4 of the SE 1/4 of Section 30, Town 34 North, Range 14 West, Village of Turtle Lake, and extending northeasterly along the centerline of United States Highway 63 to the west intersection with State Trunk Highway 48 in the NE 1/4 of the SW 1/4 of Section 12, Town 35 North, Range 14 West, Town of Crystal Lake for a net centerline distance of approximately 10.94 miles of controlled access and identified in the DEPARTMENT files as Controlled Access Project 1550-10-29, Turtle Lake - Spooner, USH 8 to West Junction STH 48, USH 63, as officially laid out, all in Barron County, Wisconsin, be and is hereby designated and established a controlled-access highway as authorized and otherwise provided by Section 84.25 of the Wisconsin Statutes.
- II. That the average traffic potential on the rural portions of said state trunk highway is in excess of 2,000 vehicles per 24-hour day.
- III. That controlled-access highways within the state, inclusive of the highways designated, do not exceed the 1,500-mile limitation imposed by law.
- IV. That the general controls to be exercised over traffic entering upon or leaving such controlled-access highways are the following:
 - (1) The owners or occupants of abutting lands shall have no right or easement of access by reason of the fact that their property abuts on the controlled-access highway or for other reasons, except only the controlled right of access and of light, air, or view.
 - (2) Where said controlled-access highway is established over a previously existing public highway open and used for travel, the highways, private driveways, and special crossings which opened into or connected with such public highway and which the DEPARTMENT deems are reasonably located and not likely to create undue hazard as of the effective date of this Finding, Determination, and Declaration are or will generally be authorized and approved for entrance upon and departure from the controlled-access highway. The Director of the Bureau of Technical Services or his authorized representative will give written notice of such authorization or approval to the owner or occupant of the land served thereby in the case of driveways and special crossings,

Page 1 of 3

and to the municipality having jurisdiction in the case of intersecting local public highways, provided, however, that the continuous and future use of such authorized and approved highways, driveways, and special crossings shall be subject to the statutes and regulations governing controlled-access highways and regulations of the DEPARTMENT generally applicable.

- (3) After the effective date of publication of this Finding, Determination, and Declaration, no street or highway or private driveway or special crossing shall be opened onto or connected with the controlled-access highway without the written consent and approval of the DEPARTMENT, which shall be given only if the public interest shall be served thereby, and shall specify the terms and conditions on which such consent and approval is given.
- (4) Access to new divisions or parcels of land bordering the controlled-access highway, created subsequent to the effective date of this Finding, Determination, and Declaration, unless otherwise approved by the DEPARTMENT in writing, shall be via the access facilities that served the original tract of property.
- (5) No person shall have right of entrance upon or departure from or travel across any controlled-access highway or to or from abutting lands, except in places designated and provided for such purposes and on such terms and conditions as may be specified from time to time by the DEPARTMENT.
- (6) Whenever property held under one ownership is severed by a controlled-access highway, the DEPARTMENT may permit a crossing at a designated location to be used solely for travel between the severed parcels; provided, however, that upon the change in conjunctive use of said lands or partial change of ownership or leasehold interest, this right of crossing shall be forfeited and shall cease unless expressly extended by the DEPARTMENT.
- (7) Where and when a service road, separated from the roadway(s) for through travel of the controlled-access highways, is established, opened to public travel, and maintained by or under specific approval of the DEPARTMENT, the right of direct access between the abutting property and the near roadway for through travel authorized under this Finding, Determination, and Declaration shall cease, and in lieu thereof, there shall be the right of direct access between the abutting property and the near service road and via the service road to and from the nearest roadway for through travel of the controlled-access highway at places where the service road connects with the roadway for through travel. The access between abutting property and a service road shall be usual right of access that prevails for highways not designated controlled-access highways.
- (8) Private driveways and special crossings on controlled-access highway right of way shall be subject to the current driveway design and construction requirements of the DEPARTMENT. Private driveways and special crossings shall be reasonably surfaced, drained, and maintained by the owner or occupant of the property without damage to the public highway. The DEPARTMENT may subsequently require that existing driveways or entrances be altered to conform to current driveway design standards and regulations.

V. That lands that abut or adjoin with or are traversed by this controlled-access highway are listed in their respective towns, and sections, and in a direction from South to North, as follows:

- (1) Village of Turtle Lake, Township 34 North, Range 14 West.
 - a. Section 30, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SE $\frac{1}{4}$
- (2) Town of Almota, Township 34 North, Range 14 West.
 - a. Section 30, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - b. Section 19, SE $\frac{1}{4}$ -SE $\frac{1}{4}$
 - c. Section 20, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
 - d. Section 17, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
 - e. Section 8, Gov't Lot 6, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Gov't Lot 5, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - f. Section 9, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NE $\frac{1}{4}$
 - g. Section 4, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - h. Section 3, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
- (3) Town of Crystal Lake, Township 35 North, Range 14 West.
 - a. Section 34, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - b. Section 35, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
 - c. Section 26, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - d. Section 25, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
 - e. Section 23, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - f. Section 24, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NW $\frac{1}{4}$
 - g. Section 14, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
 - h. Section 13, SW $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NW $\frac{1}{4}$

i. Section 12, SW¼-SW¼, NW¼-SW¼, NE¼-SW¼

- VI. That private driveways, special crossings, and intersecting public highways as authorized by the DEPARTMENT as of the effective date of this Finding, Determination, and Declaration and as may be authorized, altered, or revised appear in the records of the DEPARTMENT.
- VII. That this Finding, Determination, and Declaration is made and approved for the Wisconsin Department of Transportation by the Director of the Bureau of Technical Services on 6/23/2011 to be published on 7/13/2011 and be recorded in the Office of the register of Deeds in Barron County; and that all Authorizations for Access, Notices of Nonaccess, Revocations of Authorizations for Access to or Across a Controlled-Access Highway, and other pertinent documents appertaining, also be recorded in the Office of the Register of Deeds.

Wisconsin Department of Transportation_____
(Director, Bureau of Technical Services)_____
Rebecca S. Burkel
(Print or Type Name)

Informational Notice: Maps illustrating the location of the highway and areas of lands fronting on the highway as described in the foregoing Finding, Determination, and Declaration will be subsequently on file and available for the inspection and information of persons interested, in the offices of the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Madison, Wisconsin; in its Regional office(s) at 1701 North 4th Street, Superior, Wisconsin. Such maps are entitled, "Map of Controlled Access, Turtle Lake - Spooner, USH 8 to West Junction STH 48, USH 63, Barron County, Controlled Access Project ID 1550-10-29."

Project ID 1550-10-29	This document need not be notarized as per s.708.001(2)(a) Wis. Stats. This instrument was drafted by the Wisconsin Department of Transportation.	County Barron
--------------------------	--	------------------

To obtain a working copy of this DT form go to: <http://wisconsin.gov/Pages/global-footer/formdocs/default.aspx>. Then use the find function (Ctrl + f) to search the page for the DT form.

Document Number**NOTICE OF NONACCESS TO OR ACROSS A
CONTROLLED-ACCESS HIGHWAY**

Wisconsin Department of Transportation
DT2047 2/2014

Pursuant to the provisions of s.84.25 Wisconsin Statutes, the Department of Transportation has established a section of S.T.H. 46 in Dane County, as a Controlled-Access Highway, designated as Controlled-Access Project 1234-56-29, Delavan - Elkhorn Road, South Shore Drive to Elm Ridge Road, effective on and after August 6, 1951 as recorded in Volume 25, Page 36 of the Dane County Register of Deeds Office as Document Number 3456789.

The Department of Transportation having in accordance with said Finding, Determination and Declaration controlled the access between said highway and the lands of the owner(s) in the

NW ¼ of the NW ¼ of Section 23, Town 5 North, Range 8 East, Town of Sharon, Dane County, Wisconsin. Further described in the attached deed.

in the following manner: No Direct Access

does issue this notice of nonaccess to or across the said Controlled-Access Highway for the following reasons:

Access is available from Lynn Road

THIS NOTIFICATION, superseding all prior Notices or Authorizations, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

This space is reserved for recording data

Return to:

John Doe
WisDOT SW Region Madison Office
2101 Wright Street
Madison WI 53705

Parcel Identification Number/Tax Key Number
12345678-456

Nolan Pagel

(Owner Name)

121 W Washington St., Janesville WI 53545

(Address)

Rylan Pagel

(Owner Name)

1114 Barnes Street, Delavan WI 53115

(Address)

Wisconsin Department of Transportation

(Signature for Region Director)

Billy Bob Planner

(Print or Type Name)

(Date)

State of Wisconsin)

) ss.

Dane

County)

On the above date, this instrument was acknowledged before me by named person(s).

(Signature, Notary Public, State of Wisconsin)

Emma Notry

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2020

(Date Commission Expires)

Sheet Number 4 of 8
Project ID 1234-56-29

This instrument was drafted by Wisconsin DOT

Parcel No. 3

WisDOT Statewide Guidelines for §84.25 Controlled Access Map and Authorizations

The following guidelines shall be used in the development of a new Controlled Access Map (Map) and for appropriate documents. A field review of the project may show that there are circumstances in which these guidelines cannot be strictly adhered to without causing undue hardship to the parcel; the Project Manager (PM) should apply common sense and good judgment when making decisions.

A. Map Development - General

1. The Map shall be developed using the most current right-of-way plat or plats.
2. The Map shall show property lines based upon the current tax parcel maps, at the time of Map development, of the county in which the access control project is being completed.
3. The Map shall be developed in cardinal directions, e.g. south to north and west to east.
4. Parcel numbers shall be sequenced by Map page beginning with Parcel number 1 on Map page 1 with the first parcel beginning on the west side of the highway for south to north segments and on the north side of the highway on west to east segments. Parcel numbers on the second and subsequent pages shall begin with the next sequence number from the previous page.
5. Access (driveway) numbers shall be sequenced beginning with Parcel 1 on Map page 1, as with the parcel numbers, the access numbers on the second and subsequent pages shall begin with the next sequenced number from the previous page.
6. Exception areas to the Map are areas where §84.25 controls are not applied. This includes:
 - Incorporated areas of a City or Village that have urban cross sections
 - Segments where access is controlled under §84.29 or §84.295 or by purchase under §84.09. (Where all access has been purchased on both sides of the highway, other than for vision corners, the length of what was purchased shall be treated as an exception to the Map.)
 - Segments of highway which have 20 or more existing accesses per mile.
7. Minimum length of exception should be no less than one quarter mile.

B. Map Development - Specific

1. Segments of highway which have existing purchased access control under §84.09 shall be depicted with diamonds; typically these will be vision corners at public road intersection or short segments of prior access control. A notation which includes the Project ID under which access was purchased shall be included on the Map for each purchased area. Accesses shall not be shown on the Map nor Authorizations issued for any access within the areas of purchased control. Start and stop points for the purchased control area shall be shown, but no dimensions will be indicated. For segments of highway which an entire quarter, quarter has purchased access control shall be shown as an exception to the designation and should not be included in the Findings, Determination and Declaration (FD&D). If part of the quarter, quarter is not covered under the purchased control then the quarter, quarter should be included in the FD&D.
2. For portions of the roadway where access is controlled by covenants or under Trans 233, no diamond symbols shall be used. Access shall be included on the Map along with the Trans 233 certification number and date of certification. The Map shall also show the limits of the Trans 233, however the Map shall not list covenant information.
3. Parcels with existing accesses that have access agreements or easements to the highway, or have use of a joint access, shall be included in the Map, even if the parcels do not abut the highway.
4. The Map shall exclude descriptive information regarding parcels outside of the project limits, even if they are owned by the same person who owns a contiguous parcel within the project limits. Project limits are the abutting quarter, quarters.
5. Parcel owner names shown on the Map shall be written exactly as they are shown in the county real estate records (last deed of record, etc).
6. The Map shall include Lot number and the recording data of a CSM, should one exist for the parcel.
7. The Map shall include the recording data for a sub-division, should one exist abutting the highway.
8. The Map shall, by symbols, depict type of access in use at the time the Map is developed. If a driveway has multiple uses, select the symbol for the predominant use. With the exception of the

symbol for a Public Road, solid symbols shall be used as follows:

■	= Residential.
▲	= Agricultural.
●	= Commercial.
●	= Institutional.
★	= Other.
PH	= Public Highway/Road.

9. Fire numbers shall be displayed next to the access symbols.
10. If there is an access covenant associated with a parcel, the access permitted under the covenant shall be shown. The covenant information shall not be shown on the Map.
11. If the parcel shown on the Map has access via a side road, and the access is outside the limits of WisDOT's lateral access control, the access can be shown, but not numbered.
12. Every sheet of the Map shall show the name of the incorporated and/or unincorporated municipality which abuts the highway, e.g. City, Village, Town or Hamlet.
13. In general, labels are to be oriented so that they are read from the bottom to the top, and left to right. However, directional labels, such as quarter, quarter labels are to be orientated in the same direction as the north arrow.
14. Tax IDs shall be shown for all parcels to which the §84.25 controls apply. (Tax ID's are not needed for recording purposes as no property is being transferred, they do however assist in tracking any land divisions that occur subsequent to the development of the Map).

C. Accesses: Numbers and Types

1. Every parcel (or contiguous parcels under the same ownership) will have at least one unrestricted access onto a public roadway (not necessarily a state highway) regardless of the current use of the land.
2. Parcels which currently have no direct access to the highway and access is via an alternative public road shall have on the parcel a statement indicating 'Access via *Name of Local Road*'. i.e. 'Access via 200th Ave.'
3. If a parcel has alternative public road access, all existing accesses shall be restricted and described (e.g. C-Store) to its current specific use. Commonly used restrictions are: agricultural, utility/service, commercial and residential.
4. If an access is restricted, the Map shall show in parentheses () under the access symbol the type of restriction e.g. agri. for agriculture, res. for residential etc., shall be shown in the parentheses.
5. Accesses to agricultural outbuildings shall be restricted to agricultural use.
6. If a parcel's only access is via a horseshoe driveway, one access shall be restricted to the current use of the parcel. The PM will determine which access location will be restricted.
7. If inspection of the aerial Map or field review shows that an access is used jointly and verified by each parcel owner, the access shall be shown as a joint use access, regardless of whether an easement is included in the property deed. However, the joint use to each parcel shall be restricted if alternative access or multiple accesses are available to the parcel using the joint access. If the joint access is not located on the property line between parcels, then chicken scratch symbols shall be used to show access to each joint use parcel.
8. Access for each parcel in use for agricultural purposes will be authorized, regardless of number – unless the property owner agrees to remove one or more of the accesses.
9. In the situation of a special crossing, the access to the lands on either side of the highway should be directly opposite each other.
10. For a parcel that currently has no access to the highway and is landlocked; an un-constructed access shall be shown on the Map at a location which meets minimum safety and engineering requirements. Label the access as "(unconst.)" and make sure to add it to the legend. Ask the owner what the future use will be and use the appropriate symbol. If future use is unknown, use the residential access

symbol.

11. The PM shall be notified of any illegal access found during the inventory along portions of the road that are already access controlled. The PM will notify the Region Access Coordinator of the illegal access and work with the Maintenance section and have them removed.
12. A photo log shall be developed. Each driveway shall be photographed and numbered with the number corresponding to the assigned driveway number on the Map.

D. Recorded Access Documents

1. All Authorizations which have a restricted access, the restriction which applies to the access shall be described within the Authorization, e.g. Agriculture, Agriculture use is described as:
A private driveway is authorized, restricted to agricultural purpose(s) for the planting, maintaining and harvesting of crops, and/or animal husbandry. Said authorization shall continue only as long as the land is used for such purpose(s).
2. Access Authorizations associated with a condominium development will be issued to the condominium association, not to individual owners.
3. Names shown on the Map and Authorizations should be written exactly as they are shown in the county real estate records (deeds, etc).
4. The Authorizations shall include Lot number and the recording data of the CSM, if one exists for the parcel.
5. In the situation where a parcel owner owns additional parcels that are not on the Map but are contiguous to the parcels shown on the Map: the legal description for the parcels not shown on the Map shall not be listed on the Authorization.
6. Only one parcel should be listed on each Authorization, even if it is a joint use access with another parcel.
7. Authorizations for joint use access shall be given to each parcel of record and shall cross reference with all other parcels of record. They shall be issued Authorizations and the quarter quarters which they include shall be listed in the Authorizations and in the FD&D.
8. If the parcel is not authorized to have access to the highway because there is alternative public road access, a Notice of Non-Access shall include the name of the alternative access public road.
9. Authorizations for parcels which have previous permits, covenants or control under Trans 233, use the following language: "THIS AUTHORIZATION, supersedes and revokes any and all prior Authorizations and covenants including the following: _(insert the name and recording information for the document)_, is issued to the following owner(s) of the above-described property, their heirs, successors and assigns."
10. Authorizations for u-shaped accesses shall restrict one of the accesses to the parcels current use (typically the driveway which provides the least amount of spacing distance from another existing access, excluding its paired access,) unless the parcel has alternative or additional access in which case both maybe restricted to the current use.
11. Tax ID's shall be included in the Authorizations and Notice of Non-Access for all quarter, quarters or lots which the document will be recorded against. Only abutting Tax ID's shall be included in the documents, with the exception of a non-abutting parcel which has access by easement to the highway. (Also note B-14)

E. Miscellaneous

1. The mileage estimate provided by the Region will be corrected for the FD&D and Map by Central office. (Initial estimated miles is calculated using STH Log reference points)
2. In most cases, WisDOT will request lateral access control along local roads intersecting the highway (500' desirable, 250' minimum). This is done to protect the operating functionality of the intersection and to provide a safe intersection. In some cases, more or less distance may be appropriate and should be determined through the initial scope trip. The legal description that should be included in the resolution to be passed by the local Town Board should read the same as the description provided on the road Authorization form.

84.25 Controlled Access Public Interest Statement
For Adding A Public Road to an Existing Controlled Access Highway
State Trunk Highway 65 – Controlled Access ID 1540-08-29
(I-94 to USH 12 West Segment)
St. Croix County

I. Introduction

The Wisconsin Department of Transportation (Department) in the interest of the public safety, convenience and general welfare and transportation planning has designated State Trunk Highway (STH) 65 in St. Croix County as a Controlled Access Highway pursuant to §84.25 on May 21, 2002.

The Department has received a request from the village of Roberts (Village) for a new public road intersection onto this segment of STH 65. Said public road would be a Village street connection.

II. Location

The location of the new street connection falls between 70th Avenue and CTH TT.

III. Consideration

§84.25(4) allows the Department the ability to authorize new street connections if it is in the public interest to do so.

The Department has evaluated the following items in pursuing a determination as to whether the requested access would be in the public interest.

- The public road location is identified in the Village's long- range transportation plan which was done in coordination with the Department.
- The requested public road location is identified in a cooperative Village-Department plan for future arterials in this area. The proposed public road is identified as the connection between the existing STH 65 to a planned jug-handle interchange on the proposed future arterial system that could become relocated STH 65.
- The requested public road location could improve the safety and operations of existing STH 65 by providing an alternative connection for the east side of the 70th Avenue and STH 65 intersection. The current 70th Ave. intersection is located 1000 feet north of the IH 94 & STH 65 interchange and creates operational and safety issues for this interchange traffic. The requested public road location could provide an alternate route from 70th Avenue to STH 65 and allow for consideration of closing or restricting the existing 70th Street intersection at STH 65.
- The Village has provided a platted subdivision proposal that includes road connections to other abutting properties and thus allows this requested public road access to serve all property between it and other existing intersections. Thus no other public road intersections are identified as being needed in the future on this segment of STH 65.
- The Village has provided information that this requested public road access would serve both the east side and west side of STH 65, and thus preclude the need for any future public road requests on the west side as well.
- The Department approved a Map of Controlled Access on this segment of STH 65 on April 21, 2003. At that time, the Department was still working with the Village, County, and Town to develop and ultimately finalize their long-term transportation plan. The Department indicated it would allow an additional public road access on the segment of STH 65, but wanted to wait until the long-term transportation plan was completed before it specifically located said public access on the map. Past practice of identifying the location of a future public road access points as being 'somewhere within an entire parcel' has proven problematic and the Department wished to avoid those legal concerns.

IV. Recommendation

The Department recommends authorization of the requested street connection based on the public benefit of improved safety and operations to STH 65, IH-94, and the local street system, and the fact the requested street follows the Department approved, long range transportation plans of the area.

WISCONSIN DEPARTMENT OF TRANSPORTATION, NORTHWEST REGION

Systems Planning and Operations Chief

Date

WISCONSIN DEPARTMENT OF TRANSPORTATION, BUREAU OF TECHNICAL SERVICES

Director

Date

CORRESPONDENCE MEMORANDUM **State of Wisconsin**
Division of Transportation Systems Development

Date: November 15, 2014

To: Steve Krebs, Director
Bureau of Technical Services

Through: Norman Pawelczyk, Manager
Acquisition & Services Section

From: Michael Roach
Access Management Engineer
Utility & Access Unit

Subject: **84.25 Access Modification Request Decision Document**
Town of Roberts – St. Croix
State Trunk Highway 65 – Controlled Access ID 1540-08-29
(I-94 to USH 12 West Segment)

Request to modify access.

Public Connection Request on STH 65 between CTH TT & 70th Ave.

The Department has received a request from the village of Roberts (Village) for a new public road intersection onto this segment of STH 65. Said public road would be a Village street connection.

Highway information: STH 65 a 2 lane divided facility Classified as a Minor Arterial

Statewide Access Management Plan (SAMP) Status –Tier 2A

Existing access controls: STH 65 is currently a Controlled Access Highway

ADT: STH 65 = 9,600 in 2009

POSTED SPEED LIMIT: 45 MPH

Technical input:

The basis for the village request is the new street connection follows the village's long range transportation plan and would improve the safety and operations of WIS 65 in the future.

The long range transportation plan in this part of the village calls for relocating WIS 65 to the east, and this portion of WIS 65 would become a village street. The requested street connection would connect the existing WIS 65 roadway to a planned jug-handle interchange on the relocated roadway.

Region input:

The safety and operations of WIS 65 would be improved in the future by providing an alternative connection for the 70th Avenue intersection. The current 70th Ave. intersection is located 1000 feet north of the I94 & WIS 65 interchange. This proximity to the interchange ramps has presented challenges in the past to upgrading the intersection for higher traffic volumes on 70th Ave. If the requested intersection is authorized and constructed it would allow the removal of 70th Ave from WIS 65 in the future.

The village has reviewed the access request in regards to the multiple properties in the area. The requested location will provide access to the majority of properties abutting WIS 65 between 70th Ave. and CTH TT.

My Recommendation:

This area is reserved for Mike Roach's recommendation on the decision.

Please indicate below the decision regarding this request.

Comments (Norman Pawelczyk):

Concur ☐ _____ Disagree ☐ _____ Modify ☐ _____

Norman Pawelczyk, Manager
Acquisition & Services Section

Date

Comments (David Stertz):

Concur ☐ _____ Disagree ☐ _____ Modify ☐ _____

David Stertz, PE, Supervisor
Project Services Section

Date

Comments (Steve Krebs):

Concur ☐ _____ Disagree ☐ _____ Modify ☐ _____

Steve Krebs, P.E. Director
Bureau of Technical Services

Date

Report for Wisconsin Department of Transportation

Controlled Access Update Project
WIS 26–County Line
WIS 60
Dodge County
I.D. 3042-00-29

Posthearing Report and
Access Control Project Development

Prepared by:
David Kreitzmann, WisDOT
Terry L. Genske, R.L.S.

STRAND ASSOCIATES, INC.®
910 West Wingra Drive
Madison, WI 53715
www.strand.com
Project No. 1089.273

September 2011



TABLE OF CONTENTS

	Page No.
Section 1 – OVERVIEW	
1.01 Introduction	1-1
1.02 Project Description	1-2
1.03 Background	1-2
Section 2 – PUBLIC INVOLVEMENT	
2.01 Project Development	2-1
2.02 Public Involvement Meeting	2-1
2.03 Public Hearing	2-1
Section 3 – RECOMMENDATIONS AND ACTIVITIES	
3.01 Region Recommendations	3-1
3.02 Future Activities	3-1

FIGURES

1.01-1	WIS 60	1-1
--------	--------	-----

APPENDICES

APPENDIX A-PUBLIC INVOLVEMENT MEETING SIGN-IN SHEET

APPENDIX B-PUBLIC INVOLVEMENT MEETING MINUTES

APPENDIX C-PUBLIC CONTACT LOG

APPENDIX D-PUBLIC HEARING TRANSCRIPT

EXHIBIT 1 Public Hearing Welcome Statement/Handout

EXHIBIT 2 Project Statement for Project 3042-00-29

EXHIBIT 3 Public Hearing Sign-in Sheet

EXHIBIT 4 Photographs of Hearing Room

EXHIBIT 5 WIS 60 Access Control Fact Sheet

EXHIBIT 6 Public Hearing Meeting Schedule

EXHIBIT 7 Affidavit of Publication from the Watertown Daily Times and the Beaver Dam Daily Citizen

APPENDIX E - PUBLIC-HEARING MINUTES

APPENDIX F - FOLLOW-UP FROM VERBAL AND WRITTEN COMMENTS MADE AT THE PUBLIC HEARING

APPENDIX G - LIST OF OWNERS

Vacate Order #_ (for a Discontinued STH)

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
ORDER TO VACATE A PORTION OF CONTROLLED-
ACCESS HIGHWAY - PROJECT 5300-01-29
DANE COUNTY**

WHEREAS, Section 84.25 (13), Wisconsin Statutes, provides for vacating a controlled-access highway; and

WHEREAS, the Wisconsin Department of Transportation, has discontinued all State Trunk Highway routing over, and determined that access control is no longer necessary along the following portions of the highway previously established as Controlled Access Project 5300-01-29 and designated as USH 12:

Return to:
WISCONSIN DEPARTMENT OF TRANSPORTATION
Southwest Region - La Crosse Office
Attn: Mike Lenz
3550 Mormon Coulee Road
La Crosse, WI 54601

That section of Former USH 12 lying between the North line of the NW 1/4 of Section 2, T7N, R8E, City of Middleton and Town of Middleton, and the original south end of project limits of Project 5300-01-29 at the intersection of Former USH 12, County Trunk Highway "M" (Century Avenue), and Airport Road near the center of Section 2, T7N, R8E, in the City of Middleton, Dane County, and identified in Department files at Controlled Access Project 5300-01-29, Sauk City - Middleton Road, (West Apple Tree Road - Airport Road Section), USH 12, all in Dane County, Wisconsin.

Those lands that abut or adjoin with or are traversed by this highway are listed below in a direction from north to south:

Town of Middleton, Township 7 North, Range 8 East

1. Section 2 - NE $\frac{1}{4}$ -NW $\frac{1}{4}$

City of Middleton, Township 7 North, Range 8 East

1. Section 2 - NE $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NE $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$

NOW, THEREFORE, the Wisconsin Department of Transportation, after conducting a public hearing on February 7th, 2007, and reviewing the traffic engineer survey investigation and study prepared by the State of Wisconsin, has determined and declared that the vacating of the above described portion of the controlled access project is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes.

The Wisconsin Department of Transportation, does hereby vacate said portion of the above highway established by the Finding, Determination and Declaration recorded on May 28, 1975 in the Dane County Register of Deeds Office in Volume 580 of Records on Page 113, as Document 1429483 as Controlled Access Project 5300-01-29, Sauk City - Middleton Road, (West Apple Tree Road - Airport Road Section), USH 12, Dane County, and directs that this order be recorded with the Register of Deeds of Dane County.

State of Wisconsin
Department of Transportation
Bureau of Technical Services

Rebecca S. Burkel
Director

Date

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. 5300-01-29

Dane County

Page 1 of 1

Vacate Order #_ (for an 84.295 Freeway)

**WISCONSIN
DEPARTMENT OF TRANSPORTATION
ORDER TO VACATE A PORTION OF CONTROLLED-
ACCESS HIGHWAY - PROJECT CA 08-5(1)
DOUGLAS COUNTY**

WHEREAS, Section 84.25 (13), Wisconsin Statutes, provides for vacating a controlled-access highway; and

WHEREAS, on December 21, 1967, the State Highway Commission of Wisconsin, via a Finding, Determination and Order, designated as Freeway #27 in accordance with Section 84.295, Wisconsin Statutes, portions of the following highway previously established as controlled-access Project CA 08-5(1), and designated as United States Highway 53 and United States Highway 2; and

Return to:
WISCONSIN DEPARTMENT OF TRANSPORTATION
Northwest Region
718 W. Clearmont Avenue
Eau Claire, WI 54701

WHEREAS, on April 28, 1976, the State Highway Commission of Wisconsin, via a Finding, Determination and Order, designated as Freeway #33 in accordance with Section 84.295, Wisconsin Statutes, portions of the following highway previously established as controlled-access Project CA 08-5(1), and designated as United States Highway 53 and United States Highway 2:

Beginning at a point on centerline of United States Highways 2 & 53 at the intersection with 53rd Avenue East in the NE ¼ of the NW ¼ of Section 4, Township 48 North, Range 13 West, City of Superior, Douglas County, Wisconsin, thence southeasterly along United States Highway 53 to a point approximately 1688 feet south and 1246 feet east of the northwest corner of Section 32, Township 48 North, Range 12 West, Town of Amnicon and including a segment of United States Highway 2 with the same beginning point as mentioned above and ending at the South Quarter Corner of Section 29, Township 48 North, Range 12 West, Town of Amnicon, Douglas County, Wisconsin, and identified in Department files at Controlled Access Project CA 08-5(1), Rice Lake – Superior Road, (CTH X – USH 2), USH 53, all in Douglas County, Wisconsin.

Those lands that abut or adjoin with or are traversed by this highway are listed below in a direction from west to east:

City of Superior, Township 48 North, Range 13 West

1. Sec. 4 – NE ¼ -NW ¼; NW ¼ -NE ¼; S ½ -NE ¼; N ½ -SE ¼; SE ¼ -SE ¼.
2. Sec. 3 – SW ¼ -SW ¼.

Town of Parkland, Township 48 North, Range 13 West

1. Sec. 10 – NW ¼ -NW ¼; NE ¼ -NW ¼; S ½ -NW ¼; NE ¼ -SW ¼; SE ¼ -SW ¼; NW ¼ -SE ¼; SW ¼ -SE ¼; SE ¼ -SE ¼.
2. Sec. 15 – N ½ -NE ¼; SE ¼ -NE ¼.
3. Sec. 14 – SW ¼ -NW ¼; NW ¼ -SW ¼; SE ¼ -SW ¼.
4. Sec. 23 – NE ¼ -NW ¼; NW ¼ -NE ¼; S ½ -NE ¼; NE ¼ -SE ¼.
5. Sec. 24 – SW ¼ -NW ¼; N ½ -SW ¼; S ½ -SW ¼; SW ¼ -SE ¼.
6. Sec. 25 – NE ¼ -NW ¼; N ½ -NE ¼; S ½ -NE ¼.

This instrument was drafted by the: Wisconsin Department of Transportation

Project ID: CA 08-5(1)

Douglas County

Page 1 of 2

Town of Amnicon, Township 48 North, Range 12 West

1. Sec. 30 – S $\frac{1}{2}$ -NW $\frac{1}{4}$; N $\frac{1}{2}$ - SW $\frac{1}{4}$; N $\frac{1}{2}$ -SE $\frac{1}{4}$; S $\frac{1}{2}$ -SE $\frac{1}{4}$.
2. Sec. 29 – S $\frac{1}{2}$ - SW $\frac{1}{4}$.
3. Sec. 32 – N $\frac{1}{2}$ -NW $\frac{1}{4}$; S $\frac{1}{2}$ -NW $\frac{1}{4}$.

NOW, THEREFORE, the Wisconsin Department of Transportation, has determined and declared that the vacating of the above described portions of the controlled-access Project CA 08-5(1) is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes, and that access to the above portions of the highway is controlled under Section 84.295 of the Wisconsin Statutes.

The Wisconsin Department of Transportation, does hereby vacate the above portions of highway established as controlled-access Project CA 08-5(1), Rice Lake – Superior Road (CTH X – USH 2), USH 53, Douglas County, by the Finding, Determination and Declaration signed on July 7, 1950 and recorded in the Douglas County Register of Deeds Office as Document #456768, Volume 156, Pages 67-70 on July 29, 1950, and directs that this order be recorded with the Register of Deeds of Douglas County.

State of Wisconsin
Department of Transportation
Bureau of Technical Services

Rebecca S. Burkel
Director

Date

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. CA 08-5(1)

Douglas County

Page 2 of 2

Vacate Order #_ (for an 84.29 Interstate)**WISCONSIN****DEPARTMENT OF TRANSPORTATION****ORDER TO VACATE A PORTION OF CONTROLLED-
ACCESS HIGHWAY - PROJECT CA 056-1(2)****JEFFERSON COUNTY**

WHEREAS, Section 84.25 (13), Wisconsin Statutes, provides for vacating a controlled-access highway; and

WHEREAS, on May 6, 1958, the State Highway Commission of Wisconsin, via a Finding, Determination and Order, designated as Interstate Highway 94 in accordance with Section 84.29, Wisconsin Statutes, the following portions of the highway previously established as controlled-access Project CA 056-1 (2), and designated as State Trunk Highway 30:

Return to:
WISCONSIN DEPARTMENT OF TRANSPORTATION
Southwest Region
3550 Mormon Coulee Road
La Crosse, WI 54601

Beginning at a point on the county line between Dane and Jefferson Counties, at or near the northwest corner of Section 6, Township 7 North, Range 13 East, Town of Lake Mills, thence easterly along Interstate Highway 94 to Willow Glen Road in the Northwest ¼ of the Northwest ¼ of Section 13, Township 7 North, Range 16 East, Town of Concord, Jefferson County, and identified in Department files at Controlled Access Project CA 056-1(2), Madison – Milwaukee Road, (West County Line – STH 26), STH 30, all in Jefferson County, Wisconsin.

Those lands that abut or adjoin with or are traversed by this highway are listed below in a direction from west to east:

Town of Waterloo, Township 8 North, Range 13 East

1. Sec. 31 – S ½ SW ¼; S ½ SE ¼.
2. Sec. 32 – S ½ SW ¼; S ½ SE ¼.
3. Sec. 33 – S ½ SW ¼; SW ¼ SE ¼.

Town of Lake Mills, Township 7 North, Range 13 East

1. Sec. 6 – N ½ NW ¼; N ½ NE ¼.
2. Sec. 5 – N ½ NW ¼; N ½ NE ¼.
3. Sec. 4 – N ½ NW ¼; N ½ NE ¼.
4. Sec. 3 – N ½ NW ¼; S ½ NW ¼; N ½ SE ¼; S ½ NE ¼.
5. Sec. 2 – N ½ SW ¼; S ½ SW ¼; S ½ SE ¼.
6. Sec. 11 – NE ¼ NE ¼.
7. Sec. 12 – N ½ NW ¼; S ½ NW ¼; NW ¼ NE ¼; S ½ NE ¼.

City of Lake Mills, Township 7 North, Range 13 East

1. Sec. 2 – SE ¼ SE ¼.
2. Sec. 11 – NE ¼ NE ¼.
3. Sec. 12 – SE ¼ NW ¼; S ½ NE ¼; NE ¼ SE ¼.

City of Lake Mills, Township 7 North, Range 14 East

1. Sec. 7 – N ½ SW ¼.

Town of Milford, Township 7 North, Range 14 East

1. Sec. 7 – S ¼ NW ¼; S ½ NE ¼.
2. Sec. 8 – S ½ NW ¼; S ½ NE ¼.

This instrument was drafted by the: Wisconsin Department of Transportation

Project ID: CA 056-1(2)

Jefferson County

Page 1 of 2

3. Sec. 9 – S $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$.
4. Sec. 10 – S $\frac{1}{2}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$.

Town of Aztalan, Township 7 North, Range 14 East

1. Sec. 7 – NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
2. Sec. 8 – N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
3. Sec. 9 – N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
4. Sec. 10 – N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
5. Sec. 11 – N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
6. Sec. 12 – N $\frac{1}{2}$ SW $\frac{1}{4}$.

Town of Farmington, Township 7 North, Range 14 East

1. Sec. 12 – SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Town of Farmington, Township 7 North, Range 15 East

1. Sec. 7 – SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$.
2. Sec. 8 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
3. Sec. 9 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
4. Sec. 10 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
5. Sec. 11 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
6. Sec. 12 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.

Town of Concord, Township 7 North, Range 16 East

1. Sec. 7 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
2. Sec. 8 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.
3. Sec. 9 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$.
4. Sec. 10 – S $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$.
5. Sec. 15 – N $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.
6. Sec. 14 – S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$.

NOW, THEREFORE, the Wisconsin Department of Transportation, has determined and declared that the vacating of the above described portions of the controlled-access Project CA 056-1 (2) is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes, and that access to the above portions of the highway now designated as Interstate Highway 94 is controlled under Section 84.29 of the Wisconsin Statutes.

The Wisconsin Department of Transportation, does hereby vacate the above portions of highway established as controlled-access Project CA 056-1 (2), Madison – Milwaukee Road, (West County Line – STH 26), STH 30, Jefferson County, by the Finding, Determination and Declaration recorded as Document Number 458550 In Volume 19 Miscellaneous, Page 27 on September 13, 1951 in the Jefferson County Register of Deeds Office and directs that this order be recorded with the Register of Deeds of Jefferson County.

State of Wisconsin
Department of Transportation
Bureau of Technical Services

Rebecca S. Burkel
Director

Date

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. CA 056-1(2)

Jefferson County

Page 2 of 2

Vacate Order #_ (for an 84.29 Interstate and an 84.295 Freeway with an exception)

**WISCONSIN
DEPARTMENT OF TRANSPORTATION
ORDER TO VACATE A PORTION OF CONTROLLED-
ACCESS HIGHWAY - PROJECT CA 056-1(1)
DANE COUNTY**

WHEREAS, Section 84.25 (13), Wisconsin Statutes, provides for vacating a controlled-access highway; and

WHEREAS, on April 30, 1959, the State Highway Commission of Wisconsin, via a Finding, Determination and Order, designated as Interstate Highway 94 in accordance with Section 84.29, Wisconsin Statutes, portions of the following highway previously established as controlled-access Project CA 056-1 (1), and designated as S.T.H. 30; and

Return to:
WISCONSIN DEPARTMENT OF TRANSPORTATION
Southwest Region
3550 Mormon Coulee Road
La Crosse, WI 54601

WHEREAS, on March 24, 1964, the State Highway Commission of Wisconsin, via a Finding, Determination and Order, designated as Freeway #8 in accordance with Section 84.295, Wisconsin Statutes, portions of the following highway previously established as controlled-access Project CA 056-1 (1), and designated as S.T.H. 30:

Beginning at a point on the Section line between Section 5, Township 7 North, Range 10 East, and Section 32, Township 8 North, Range 10 East, about 1,670 feet east of the northwest corner of said Section 5, thence easterly to a point on the county line between Dane and Jefferson Counties near the northeast corner of Section 1, Township 7 North, Range 12 East, and the southeast corner of Section 36, Township 8 North, Range 12 East, all in Dane County, excepting the portion beginning at the intersection of Swanton Road at the 1/16th line between the NW ¼ of the NW ¼ and the NE ¼ of the NW ¼ of Section 3, Township 7 North, Range 10 East, Town of Blooming Grove, and thence continuing easterly approximately 6 miles more or less, to the East Section line of Section 33, Town 8 North, Range 11 East, Town of Sun Prairie, and identified in Department files at Controlled Access Project CA 056-1 (1), Madison – Milwaukee Road, USH 12 – STH 73, STH 30, all in Dane County, Wisconsin.

Those lands that abut or adjoin with or are traversed by this highway are listed below in a direction from west to east:

City of Madison, Township 8 North, Range 10 East

1. Sec. 32 – SE ¼-SW ¼; S ½-SE ¼.
2. Sec. 33 – S ½-SW ¼; S ½-SE ¼.
3. Sec. 34 – SW ¼-SW ¼.

City of Madison, Township 7 North, Range 10 East

1. Sec. 5 – NE ¼-NW ¼; NE ¼-NE ¼.
2. Sec. 4 – N ½-NW ¼; N ½-NE ¼.
3. Sec. 3 – NW ¼-NW ¼.

Town of Blooming Grove, Township 7 North, Range 10 East

1. Sec. 5 – N ½-NE ¼.

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. CA 056-1(1)

Dane County

Page 1 of 2

Town of Sun Prairie, Township 8 North, Range 11 East

1. Sec. 34 – S ½-SW ¼; S ½-SE ¼.
2. Sec. 35 – S ½-SW ¼; S ½-SE ¼.
3. Sec. 36 – S ½-SW ¼; S ½-SE ¼.

Town of Cottage Grove, Township 7 North, Range 11 East

1. Sec. 3 – N ½-NE ¼.
2. Sec. 2 – N ½-NW ¼; N ½-NE ¼.
3. Sec. 1 – N ½-NW ¼; N ½-NE ¼.

Town of Medina, Township 8 North, Range 12 East

1. Sec. 31 – S ½-SW ¼; S ½-SE ¼.
2. Sec. 32 – S ½-SW ¼; S ½-SE ¼.
3. Sec. 33 – S ½-SW ¼; S ½-SE ¼.
4. Sec. 34 – S ½-SW ¼; S ½-SE ¼.
5. Sec. 35 – S ½-SW ¼; S ½-SE ¼.
6. Sec. 36 – S ½-SW ¼; S ½-SE ¼.

NOW, THEREFORE, the Wisconsin Department of Transportation, has determined and declared that the vacating of the above described portions of the controlled-access Project CA 056-1 (1) is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes, and that access to the above portions of the highway now designated as Interstate Highway 94 is controlled under Section 84.29 of the Wisconsin Statutes, and that access to the above portions of the highway now designated as State Trunk Highway 30 is now controlled under Section 84.295.

WHEN THE ENTIRE ROUTE IS UNDER ONE STH DESIGNATION USE THIS:

NOW, THEREFORE, the Wisconsin Department of Transportation, has determined and declared that the vacating of the above described portions of the controlled-access Project CA 056-1 (1) is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes, and that access to the above portions of the highway now designated as Interstate Highway 94 is controlled under Sections 84.29 and 84.295 of the Wisconsin Statutes.

The Wisconsin Department of Transportation, does hereby vacate the above portions of highway established as controlled-access Project CA 056-1 (1), Madison – Milwaukee Road, USH 12 – STH 73, STH 30, Dane County, by the Finding, Determination and Declaration signed on July 7, 1950 and recorded in the Dane County Register of Deeds Office as Document #345678, Volume 125, Pages 45-47 on July 29, 1950, and directs that this order be recorded with the Register of Deeds of Dane County.

State of Wisconsin
Department of Transportation
Bureau of Technical Services

Rebecca S. Burkel
Director

Date

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. CA 056-1(1)

Dane County

Page 2 of 2

Vacate Order #_ (for Jurisdictional Transfer)

**WISCONSIN
DEPARTMENT OF TRANSPORTATION
ORDER TO VACATE A PORTION OF CONTROLLED-
ACCESS HIGHWAY - PROJECT 1487-01-29
KEWAUNEE COUNTY**

WHEREAS, Section 84.25 (13), Wisconsin Statutes, provides for vacating a controlled-access highway; and

WHEREAS, Jurisdictional Transfer Agreement #252, approved on December 20, 2007, transferred to Kewaunee County portions of the following highway previously established as controlled-access Project 1487-01-29, and designated as State Trunk Highway 57; and

Return to:
WISCONSIN DEPARTMENT OF TRANSPORTATION
Northeast Region
David Nielsen
944 Vanderveen Way
Green Bay, WI 54304

WHEREAS, Kewaunee County Resolution No. 9-7-07 passed on July 24, 2007 accepted the transfer of access controls under Section 83.027 of the Wisconsin Statutes, as provided for under Section 84.25(13) of the Wisconsin Statutes, portions of the following highway previously established as controlled-access Project 1487-01-29, and designated as State Trunk Highway 57:

Beginning at a point on the centerline of former State Trunk Highway 57 (currently designated as CTH DK) at the intersection with County Trunk Highway A in Government Lot 1 of Section 7, Township 25 North, Range 23 East, Town of Red River, Kewaunee County, Wisconsin, thence northeasterly along the centerline of former State Trunk Highway 57 (currently designated as CTH DK) to the intersection with the Door County Line in the Fractional Northwest Quarter of the Northeast Quarter of Section 5, Township 25 North, Range 23 East, Town of Red River, Kewaunee County, Wisconsin, and identified in Department files as Controlled Access Project 1487-01-29, Dykesville – Brussels Road, (CTH F – STH 42), STH 57, all in Kewaunee County, Wisconsin.

Those lands that abut or adjoin with or are traversed by this highway are listed below in a direction from west to east:

Town of Red River, Township 25 North, Range 23 East

1. Sec. 7 – Government Lot 1;
Assessment Plat No. 1 for the Town of Red River, Block 4, Lot 1.
2. Sec. 6 – Government Lots 1 and 2;
Assessment Plat No. 1 for the Town of Red River, Block 3-A, Lot 18, Block 3, Lots 1, 2 and 4.
3. Sec. 5 – NW ¼ -SW ¼; SW ¼ -NW ¼; SE ¼ -NW ¼; Government Lot 1; NW-Fractional-NE;
Assessment Plat No. 1 for the Town of Red River, Block 2, Lot 20, Block 1, Lots 32 and 33.

NOW, THEREFORE, the Wisconsin Department of Transportation has determined and declared that the vacating of the above described portions of the controlled-access Project 1487-01-29 is in the public interest as provided by Section 84.25 (13) of the Wisconsin Statutes, and that access to the above portions of the highway is now controlled under Section 83.027 of the Wisconsin Statutes.

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. 1487-01-29

Kewaunee County

Page 1 of 2

The Wisconsin Department of Transportation, does hereby vacate the above portions of highway established as controlled-access Project 1487-01-29, Dykesville – Brussels Road, (CTH F – STH 42), STH 57, Kewaunee County, by the Finding, Determination and Declaration that was signed on June 22, 1993 and recorded in the Kewaunee County Register of Deeds Office as Document 334477 in Volume 272 Page 418 on July 1, 1993, and directs that this order be recorded with the Register of Deeds of Kewaunee County.

State of Wisconsin
Department of Transportation
Bureau of Technical Services

Rebecca S. Burkel
Director

Date

This instrument was drafted by the: Wisconsin Department of Transportation

Project I.D. 1487-01-29

Kewaunee County

Page 2 of 2

PROCEDURE FOR UPDATING ACCESS CONTROL PROJECTS

(Updating Maps)

1. Field Review of Existing Map
 - Inventory existing accesses and local roads.
 - Review highway improvement plans since the implementation of the 84.25 project.
 - Determine if alternative sources of access have been provided.
 - Update or take photographs of each access and obtain the GPS coordinates of each driveway. Note the geometric conditions of each driveway (width, pavement type, culvert size and type, etc.).
 - Note if any driveways appear to be unsafe or unused.
2. Office Review of Existing Map
 - Review existing project files.
 - Verify authorizations for private access and public roads.
 - Note any changes to access points.
 - Make sure that any private accesses (PDs) or public roads that have been approved or revoked are dated with an approval date.
 - Any authorized changes in access locations should be noted and dated.
 - The Finding, Determination, and Declaration (FDD) date must be on the plan.
3. Obtain Information
 - Obtain tax parcel maps and tax rolls.
 - Obtain certified survey maps and abutting subdivision plats which have been approved.
 - When applicable, obtain deeds. (These may be needed for easements and access restrictions.)
4. Review of Unauthorized Access Points
 - Unauthorized accesses should be reviewed according to the same procedure used to review requests for altering access on a controlled-access highway. (See [FDM 7-15-5](#))
5. Updating the Controlled-Access Map
 - Update owners name and add tax number if not already on map.
 - Update access points where needed.
 - When adding new access points, put the permit/approved access request number with date on the map.
 - When adding new access points, put the permit/approved access request number with date on the map.
 - Update corporate limits.
 - Consider holding Public Information Meeting if there are significant changes. If these changes are the result of an improvement project, a PIM may not be necessary since this would have been done as part of that project.
6. Contact county and local governments regarding transfer of controls if there are any proposed vacations. This may have been covered during a previous highway improvement project if the highway was relocated.
7. Hold a Public Hearing if there are any changes to the quarter-quarters affected by this access control.
8. After Controlled-Access Map has been updated.
 - Conduct a final field review.
 - Send the revised maps and any revised authorization documents to central office for review by the Access Management Engineer and approval by the BTS Director.
9. Revise FDD if needed. If the highway has had some relocation and the quarter-quarters listed in the original FDD no longer are valid or some additional quarter-quarters should be listed create a revised FDD and record it. Note on the FDD that it supersedes the original FDD. Include the recording information of the original FDD or list the date of approval by the State Highway Commission.
10. Vacate segments that are no longer under access control and transfer the controls to other government entity if applicable. (See [FDM 7-15-10.1](#)).

11. After Approval.

- Record any new authorizations (PD's, Revocation, Local Roads) at the Register of Deeds office.
- Issue any authorizations (new PD's, Revocations, Local Roads).
- Scan map with notations and all recorded documents and add to HAMS. The updated page of the project map should be labeled with the page and date of update.
- Send copies of map and the originals of all recorded documents (including the Finding, Determination, and Declaration) to the BTS Access Management Engineer.
- Remove any unauthorized driveways.
- Contact owners to discuss the removal or relocation of any unsafe or unused driveways.
- Record vacation orders (if any).



FDM 7-20-1 General

March 5, 2012

1.1 Definition

Wisconsin law provides that any lands or interest in lands needed for highway purposes may be acquired by the department in the manner provided in section 84.09 of the Wisconsin Statutes. While access rights alone may be acquired, such rights are normally acquired in conjunction with, and as a part of, the purchase of new or additional highway right-of-way for an improvement project.

There are some distinct differences between purchased acquisition via section 84.09 and the administrative method authorized by section 84.25. Section 84.25 can be applied only in rural areas and where access has negligible value. Section 84.09 can be used anywhere. The purchase price is based on the appraised value of the access. There are two scenarios for purchasing access rights. In the first scenario, all access rights are acquired. Access to the property is from an adjoining property or another public street or road. In the second scenario all access is acquired except at a stated number of points, the number and location of which, are spelled out in the deed. The right of way plat merely shows that access control was purchased and refers to the deed. When access rights are acquired, the number of access points cannot be increased or decreased without additional compensation being paid to the property owner (decrease) or to WisDOT (increase), providing that the change has significant value. An appraisal is required to determine the value of the changes in access. Provision of alternative access may result in no change in value of the property.

Under section 84.25 the control of access is statutorily obtained without compensation to the owner because the property value is not being significantly affected. WisDOT obtains the right to limit the number and location of access points in any manner it chooses. However, control can not extend to removing all access and landlocking the property since to do so would significantly alter the property's value.

1.2 Application Criteria

In the absence of a planned 84.25 project or other access controls, access rights should be purchased when there is an improvement project on a route which is on Tier 1 or Tier 2A of the State Access Management Plan or where there is a specific development issue. Purchase under 84.09 is typically employed when:

- new or additional lands are being acquired; and
- the access rights to a parcel have measurable value.

Section 84.09 allows the department, through negotiations, to alter and eliminate unnecessary or unsafe access points as well as to restrict or prohibit additional accesses. This is done where there is redundant or unneeded access which can be eliminated. WisDOT may also acquire a property or its access rights if no safe alternative access can be provided. Section 86.07 (permitting) also allows the department to alter or eliminate access for safety or operational efficiency reasons as long as alternative access exists.

When purchasing access control on a parcel or tract of land, the entire parcel must be considered as a whole. If there is reasonable access to the access controlled highway, or if there is direct or indirect access to a system of public roads, it is possible that very little damage would occur to the property. Compensable damages would be determined by proper eminent domain procedures set forth in the Real Estate Program Manual.

When right-of-way is purchased, which is typically the case when the highway is reconstructed, it is customary to purchase access controls for the entire project. However, some highway construction projects require right-of-way acquisition in specific areas, but not along the entire corridor. This is common for highway projects in rural areas where the improvement is not continuous, but consists of minor spot reconstruction. In those cases, access rights should also be purchased from those parcels not affected by the purchase of additional right-of-way. Generally, it is better to purchase access controls along a segment of highway rather than just at spot locations, although there are situations where access control at spot locations is all that is needed.

Access controls should not be purchased from any parcel where 84.25 has been established. The one exception is where a parcel must be purchased because it has been landlocked in conjunction with a highway reconstruction project.

1.3 Limiting the Type of Access

See [FDM 7-15-1](#) for a general discussion on limiting the type of access. When use is limited under 84.09, WisDOT must assess the value of the property before and after the restriction to determine if the value has been

reduced, enhanced or remains the same. If the property value has been reduced, WisDOT must compensate the owner accordingly.

FDM 7-20-5 Establishing and Altering Access Controls

March 5, 2012

5.1 Establishing Access Control

All aspects of land acquisition procedures (including the acquisition of access rights) are detailed in the department's Real Estate Program Manual (Chapters 2 and 3).

Section 84.09 also provides for eminent domain proceeding under Chapter 32 of the Wisconsin Statutes which outlines the procedures required for condemnation of lands and interests in lands for highway purposes.

A caution must be emphasized regarding the fee acquisition of access rights under 84.09: Access rights should not be acquired under 84.09 if access control has previously been obtained via 84.25, administrative control. To do so is unnecessary, but more importantly, it complicates control legally, and might incur costs to WisDOT beyond the cost of acquisition.

5.1.1 Relocated Highways

When a highway designated as a freeway or expressway is relocated or a new highway is constructed, owners of adjacent property have no inherent rights of access to the new facility. However, they must receive notification that access between their property and the new facility is prohibited. When property is acquired notification of non access shall be included in the deed. If no property is acquired then a notification form, [DT2051](#), entitled "Notice of Non-Access Highway" (see [Attachment 5.1](#)), must be executed, recorded, and mailed to the affected property owner(s).

5.2 Altering Purchased Access Control

Where access control is implemented under section 84.09, opportunity exists at the time of acquisition to provide for possible future adjustment to allow for full economic use of abutting lands. Where access rights have been acquired by deed or condemnation, access control is permanent and may not be removed except under procedures for the disposition of interests in excess land (as specified in the Real Estate Program Manual Chapter 6).

Often the requests for access modifications occur years after acquisition when large tracts of land are proposed for development. Changes in access to accommodate development will be considered if they are consistent with transportation plans and local land use plans, and are compatible with the traffic and safety concerns of the controlled-access highway. If it is deemed in the public interest, a reclassification or expanded use of the existing access control may be supported by the department. See [FDM 7-15-5](#) for additional discussion on alterations to access controls.

The procedure for reviewing requests for alterations to purchased access control is the same as the procedure described to alter controls obtained under section 84.25. (See [FDM 7-15-5](#).) If it is determined that access controls acquired under 84.09 should be altered, then it becomes necessary to convey those rights by means of deed and proper consideration.

In any situation involving the relinquishing of purchased access rights, it is necessary to:

1. Send materials to the region real estate staff and the BTS Access Management Engineer to determine if the transfer of access rights has value. If it does:
 - The value must be established by "before" and "after" appraisal if it is likely to exceed \$2000; and
 - WisDOT must be reimbursed the amount of the difference in values.
2. Determine whether federal funds were used to purchase the rights. If so:
 - FHWA's written approval to relinquish the rights must be secured; and
 - Reimbursement of the federal funds must be made to FHWA at the same pro rata share as the original purchase. FHWA does not require reimbursement when the current value of the access control to be relinquished is \$1000 or less. However, WisDOT's request and FHWA's concurrence with appraisal and value must be documented in writing.

The procedure to be followed in the transfer or sale of access rights is described below.

5.3 Transfer or Sale of Access Rights

The transfer or sale of access rights should be treated in the same manner as a request for the disposal of excess land. Transfer to an abutting property owner may occur where the access right has minimal value as

determined by an appraisal and consultation with Bureau of Technical Services (BTS) Surplus Lands Officer. Transfer to a local unit of government may occur in conjunction with a jurisdictional transfer.

- The proposal should be reviewed by region staff and the BTS Access Management Engineer and, if acceptable, endorsed.
- The proposal is then submitted to the central office, Bureau of Technical Services Property Management Section, for a similar review. The submittal should contain the reasons for the sale or modification, region comments on the proposal, BTS Director approval of the modification, legal description of the proposed modification, right-of-way plat showing the location of the modification and its dimensional relationship to the other access points, and property ownerships.

An appraisal or value estimate of the added contribution of the access modification to the abutting property should be included. The scope and detail of the appraisal should be commensurate with complexity and value of the adjacent land use, and the real estate market in the area. It may range from the nominal (administrative fee) to a detailed report when additional access adds very significant value to abutting lands that the access point serves.

- The proposal will be reviewed by central office staff in the same fashion as an excess parcel. The same monetary guidelines relating to the Secretary's approval (\$3,000 and over) and Governor's Approval (\$15,000 and over) apply. If federal funds were used to acquire the access restrictions, FHWA approval is also required.
- Access rights may be conveyed or modified by Quit Claim Deed, signed by the Director of the Bureau of Technical Services.

LIST OF ATTACHMENTS

[Attachment 5.1](#) Notice of Nonaccess Highway

Example DT2051 Notice of Nonaccess Highway

To obtain a working copy of this form follow this link <https://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx> to get to the WisDOT forms page then use the find function (Control F) to search the page for DT2051.

NOTICE OF NONACCESS HIGHWAY

Wisconsin Department of Transportation
DT2051 1/2012 s.84.09(1) or 84.295 Wis. Stats.

PLEASE TAKE NOTICE that no rights of access shall accrue between the highway to be constructed, currently designated as S.T.H. 15, and the lands of the owner(s) Melvin A. and Ruth P. Scharine; located in the Northeast 1/4 of the Northeast 1/4 of Section 12 in the T5N, R6E as described in that certain instrument as recorded in Volume 260, Page 32 Document Number 167895 in the office of the Walworth County Register of Deeds.

See attached deed for complete legal description.

This space is reserved for recording data

Return to:

WisDOT Southeast Region
Attn: Joe Wurker
141 NW Barstow Street
PO Box 798
Waukesha WI 53188

Parcel Identification Number/Tax Key Number
123456-678-90

(Signature for Division Administrator)

I.M. Bizzy

(Print Name)

(Date)

State of Wisconsin)

) ss.

Waukesha County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Payne Hertz

(Print or Type Name, Notary Public, State of Wisconsin)

December 31, 2015

(Date Commission Expires)

Sheet No. 4.02

Project ID 1234-00-21

This instrument was drafted by Wisconsin Dept. of Transportation

Parcel No. 23



FDM 7-25-1 General

March 5, 2012

The State of Wisconsin controls activities on highway right-of-way through the issuance of permits. Permitted activities include, but are not limited to, the installation, modification, and removal of driveways, private roads, local roads and streets, and trails that provide access to, across, and/or along the state highway system. This control is exercised to ensure the safety of the traveling public and to minimize congestion on the roadway.

1.1 Authority

STH connection permits are issued under the authority of section 86.07(2), Wisconsin Statutes and TRANS 231 of the Wisconsin Administrative Code. Anyone needing a permit must apply to a WisDOT transportation region office.

1.2 Responsibility

The Bureau of Highway Maintenance is responsible for creating, revising, and handling issues regarding STH Connection policy and corresponding permit forms. The region Systems Planning and Operations Sections oversee the STH connection permit process, including surveillance, issuance of permits and the removal of connections without permits. Any changes noted through surveillance are investigated to ensure that they have been authorized and that they do not adversely affect the maintenance or operation of the highway. A change not covered by a permit may have a permit issued if it conforms to standards. All changes that do not conform should either be removed completely or modified to conform. For more detail, see Chapter 9 of the WisDOT Highway Maintenance Manual.

1.3 Routes With Access Control

Routes with access control are those highways on which WisDOT has restricted the rights of access to abutting owners according to sections 84.09, 84.25, 84.29, or 84.295 or where partial control is exercised under Chapter 236, Wisconsin Statutes, as interpreted in Administrative Code TRANS 233.

1.3.1 Private Drives, Not Constructed

Occasionally, during the establishment of an access control project, a property owner may be given the authorization for a connection to be constructed in the future. When the land owner decides to construct that connection, the permit application is reviewed according to the process described below and a permit is issued. (See process for review of applications for permits on routes with no access control.) The permit ensures that connections meet established physical standards.

1.3.2 Requests for Additional Access

When a land owner applies for a permit to construct an access that was not authorized by the access control project, WisDOT follows the review process outlined in [FDM 7-15-5](#).

If the permit is summarily dismissed, a letter explaining the nature of the access controls should be sent to the applicant. Property owners have no right of appeal when additional access to an access-controlled facility is dismissed. This is affirmed in a legal opinion issued by the WisDOT Office of General Counsel in March of 1995. When exceptions are made and additional access is granted, property owners must follow the same permit procedure as they would follow on roadways with no access control.

1.4 Routes With No Access Control

On routes without access controls, a permit is required to do work on the highway, but here the permit serves the broader purpose of assuring that:

- the connection is needed,
- the location is appropriate along the property it serves,
- it is at a safe location along the highway, and
- it meets design specifications for drainage, type of use, etc.

On non-access controlled highways, permits (i.e., access) can be denied, but there are appeal procedures available.

The following procedure is used when an application for a connection on a route with no access control is being

considered:

- The property owner or agent applies for a STH connection permit. The permit is logged in by the region, and the application is researched and circulated for staff review. Any conflicts with future projects, scenic easements restrictions, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants, applicable WisDOT manuals and Wisconsin Administrative Code chapter TRANS 231 are to be resolved by the region section/team responsible. Unresolved conflicts should be referred to the Region director.
- During the review process, the following should be considered: zoning, other access to the property, curb cuts, pullout distance, approach grade, driveway spacing, drainage, etc. The need for a Traffic Impact Analysis (TIA) should be assessed.
- Efforts should be made to resolve problems that arise during the review process.
- Following review and resolution of any problems, the permit is approved or denied.
- If the application is approved, a permit is issued and the appropriate region staff inspects the construction to ensure compliance with the permit's restrictions.
- If the permit is denied, the applicant is notified by mail, explaining the reasons for denial as well as the appeal process (See [Attachment 1.1](#)). If denied by the Region, the applicant is notified and informed of the right to appeal to the Director of the Bureau of Technical Services. If the appeal is denied, WisDOT notifies the applicant of the action and the grounds for the action and also notifies the applicant of a right (under statute 86.073) to a hearing before the Department of Administration, Division of Hearing and Appeals. This statutory right does not apply on routes where WisDOT has acquired access controls under the authority of 84.09, 84.25, 84.29 or 84.295.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Sample Denial Letter



Division of Transportation
System Development
Northeast Region Office
944 Vanderperren Way
Green Bay, WI 54304

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: (920)492-5643
Facsimile (FAX): (920)492-5640
E-mail: greenbay.dtd@dot.wi.gov

September 15, 2011

JUAN A. NEWONE
5038 STATE HIGHWAY 32/57
DEPERE, WI 54115

Subject: Application/Permit for Connection to State Trunk Highway, STH 32/57, Town of Rockland,
Brown County, Section 20-22-20

Dear Mr. Newone:

The Northeast Region Office has reviewed your application for a new driveway onto STH 32/57 in the Town of Rockland.

Currently STH 32/57 is classified as a Principal Arterial with Annual Average Daily Traffic of 4,690 vehicles per day and a speed limit of 55 mph.

The Northeast Region Office is denying your application because you already have access to your property. I understand based upon our previous phone conversation that you would like to use another driveway for agricultural purposes now and potential for residential use later. If it would help your situation the Regional Office can work with you to permit the relocation of your driveway.

Adding driveways to the State Highway System when there are other reasonable alternative access points creates unreasonable safety issues for the traveling public due to additional conflict points.

The denial of your driveway application is in accordance with the state statute §86.07(2). However state statute §86.073 provides you the opportunity to appeal the region office decision to the WisDOT central office in Madison. In accordance with Wisconsin Statute §86.073 you may appeal for a review of the region decision to deny your Application to Construct a Driveway. You must request in writing, within **30** days of the date of the denial, a review of the Regional Office decision to:

Bureau of Technical Services
Rebecca Burkel
ATTN: Mike Roach
4802 Sheboygan Ave, Room 501
PO Box 7986
Madison WI 53707-7986

Your request should include your reasons for an appeal and any additional information that might support your request.

Whether the decision of the Regional Office is confirmed or modified. WisDOT must notify you of the action taken and the reason for the action. If the Region Office decision is upheld, you have thirty (30) days after such notice is received, to file an appeal with the Division of Hearings and Appeals.

If you have any questions, please call me at (920) 492 -0148.

Sincerely,

David B. Nielsen, P.E.

Regional Access Management Engineer

DBN:dbn



FDM 7-30-1 General

September 15, 1997

An access covenant is a legal agreement between a property owner and WisDOT that limits the access points a property may have on the state trunk highway system. It is used to control access in a location which does not have administrative or purchased controls. Justification for an access covenant can be triggered by the review of a major development, subdivision of land, or a driveway permit request.

Only WisDOT can rescind or revise the access covenant. If a parcel with an access covenant is later inside an area where there is an 84.25 or 84.09 project, the covenant restrictions can be worked into the access control project. If it is decided that the covenant is not sufficiently restrictive, it can be rescinded and replaced with 84.25 or 84.09.

1.1 Obtaining Access Covenants

The procedure for obtaining access covenants is as follows:

- Driveway permit requests are received and routed through maintenance, planning, real estate, and design areas for comments. (See [FDM 7-25-1](#)).
- Access covenants are possible on any parcels where new driveway permits are requested. Factors considered are: whether the road is on Tier I (Corridors 2020) or Tier II of the statewide Access Management System Plan, the functional classification of the road, the average daily traffic volume, development potential of the property, and the design and operation of the highway. If warranted by this review, it is recommended that a driveway permit be granted contingent upon the applicant's willingness to sign an access covenant.
- The site and all contiguous land owned by the applicant, is reviewed by WisDOT staff. The number and type of future access points to be permitted to the property from the state trunk highway is determined by WisDOT. Consideration is given to topography, drainage, other site features, and access spacing guidelines in the determination. The final access covenant is a result of analysis and negotiation with the property owner.
- The access covenant is signed by the property owner, the driveway permit is signed by WisDOT, and the access covenant is recorded at the appropriate county by WisDOT.

There are separate access covenant forms for use outside and inside of subdivisions. See [Attachment 1.1](#) and [Attachment 1.2](#).

LIST OF ATTACHMENTS

[Attachment 1.1](#) Form DT1669, Covenant - Subdivision Access

[Attachment 1.2](#) Form DT1646, Covenant- Permit Access

Document Number
ACCESS COVENANT (SUBDIVISION)

Wisconsin Department of Transportation
 Chapter Trans 233.05(2), Wis. Admin. Code
 DT1669 99 (Replaces ED1007)

In order to further the orderly layout and use of land; to lessen congestion in the streets and highways; to provide for proper ingress and egress; and for the purpose of providing for the safety of travel upon and entrance into and departure from the state trunk highway designated as S.T.H. ___, all in accordance with the provisions of Chapter 236, Wisconsin Statutes, and the rules and regulations governing Land Sub-division Plats Abutting State Trunk Highways and Connecting Highways, Chapter Trans 233, Wisconsin Administrative Code, the undersigned owners of the lands described as:

hereby covenant and agree as follows:

(1) No direct vehicular access between the above-described lands and ___ shall be permitted except by way of ___ (public streets or highways), (driveways) to be located at a distance approximately ___ feet ___ of ___ as traveled on ___.

(2) It is expressly agreed by the undersigned owners that these covenants shall run with the land and shall forever bind themselves, their heirs, administrators, executors, and assigns until said covenant or any part thereof is released in writing by the Department of Transportation or successors or assigns.

IN WITNESS WHEREOF the undersigned owners of the premises above-described have caused these covenants to be reduced to writing and signed by them.

This space is reserved for recording data

Return to

Parcel Identification Number/Tax Key Number

 (Signature)

 (Print Owner Name)

 (Signature)

 (Print Owner Name)

 (Signature)

 (Print Owner Name)

 (Date)
 State of Wisconsin }
 _____ County } ss.
 On the above date, this instrument was acknowledged before me by the above-named person(s) or officers.

 (Signature, Notary Public, State of Wisconsin)

 (Print or Type Name, Notary Public, State of Wisconsin)

 (Date Commission Expires)

County

This Instrument was drafted by the Wisconsin Department of Transportation

STH

Document Number

ACCESS COVENANT (PERMIT)

Wisconsin Department of Transportation
Chapter Trans 231.03(2), Wis. Admin. Code
DT1646 99 (Replaces ED1008)

In order to further the orderly layout and use of land; to lessen congestion in the streets and highways; to provide for proper ingress and egress; and for the purpose of providing for the safety of travel upon and entrance into and departure from the state trunk highway designated as S.T.H. ____, all in accordance with the provisions of s.86.07(2) Wis. Stats., and the rules and regulations governing Permits for Driveways and Alterations in State Trunk Highways Chapter Trans. 231.03(2), Wisconsin Administrative Code, the undersigned owners of the lands described as:

hereby covenant and agree as follows:

(1) No direct vehicular access between the above-described lands and ____ shall be permitted except by way of ____ to be located at a distance approximately ____ feet of ____ as traveled on ____.

(2) It is expressly agreed by the undersigned owners that these covenants shall run with the land and shall forever bind themselves, their heirs, administrators, executors, and assigns until said covenant or any part thereof is released in writing by the Department of Transportation or successors or assigns.

IN WITNESS WHEREOF the undersigned owners of the premises above-described have caused these covenants to be reduced to writing and signed by them.

This space is reserved for recording data

Return to

Parcel Identification Number/Tax Key Number

(Signature)

(Print Owner Name)

(Signature)

(Print Owner Name)

(Signature)

(Print Owner name)

County

(Date)

State of Wisconsin

County } ss.

On the above date, this instrument was acknowledged before me by the above-named person(s) or officers.

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

This instrument was drafted by the Wisconsin Department of Transportation

STH



FDM 7-35-1 Introduction

September 15, 1997

One of WisDOT's goals is effective management of transportation corridors. Corridor management is the larger framework within which access management is done. Corridor management is the systematic evaluation and implementation of changes or improvements to a particular highway segment to ensure that the segment meets the transportation needs of its users while supporting the transportation needs of the region's communities. Corridor access management includes controlling the amount of traffic flow onto a highway, creating or eliminating access onto the corridor, and spacing access points along a corridor.

Evaluation of changes or improvements to a corridor can utilize a wide range of analytical techniques, depending on the character of the corridor -- urban, urban fringe, or rural. On heavily traveled urban corridors, congestion and the presence of large traffic generators will be major factors in determining the design and type of access onto the roadways.

It is important to keep in mind the significance of the overall functionality of the corridor as it relates to and affects the entire highway system. Corridor management activities should include the identification of congestion, as well as the assessment of the environmental, safety, land use, and economic development benefits of management decisions. Consideration should be given to identifying the types, numbers, and frequency of vehicles entering at access points along the corridor.

FDM 7-35-5 Analytical Activities

December 20, 2013

The following are suggested analytical activities to use when considering corridor and access management decisions:

5.1 Current Traffic and Traffic Forecasts

An analysis of the current transportation corridor usage and functionality can be developed using current and forecasted traffic data that are available locally, regionally, and statewide. See [FDM 11-5-2](#) for guidance on how to obtain traffic counts and forecasts.

It should be determined whether access onto the corridor will increase or decrease the functionality of the highway segment.

5.2 Congestion

Incidents of congestion on the corridor should be evaluated. Investigate detailed accident data to confirm safety concerns and anticipated improvements to the corridor. Determine how access decisions will increase or decrease safety and functionality of the corridor. Evaluate housing and economic development plans along the corridor and determine level of impact at the access points. Seek background information from the Division of Transportation Investment Management's Safety section.

5.3 Needs and Costs Estimates

Due to limited state and local funding, region offices and local governments may have established a priority list for highway maintenance and improvements. Based upon the needs and priorities of the region and local governments, construction and maintenance projects such as bridges, interchanges, intersections, and access roads will have to be evaluated and incorporated into any access management decision.

5.4 Economic Development

Economic development impacts should be considered when evaluating changes to access on a corridor. Changes include access point improvements, approval of new access points, or elimination of access points. Socio-economic trends should be identified. These include new growth, as well as commercial and industrial expansion near the access points and along the corridor in general. Development can be identified by analyzing local development plans, identifying existing commercial and industrial parks, and other generators of traffic such as hospitals, schools, recreational and cultural centers, and plotting them along the affected corridor.

Information on development plans may be found in a community's land use plan or obtained from MPOs and RPCs, local economic development organizations, chambers of commerce, private employers, and developers. Economic indicators may be found in the Division of Transportation Investment Management's Economic Strategies Section's geographic information system (GIS) economic database. Freight movement data and

related commodities information can be obtained from WisDOT's commodity flow database and from interviews with shippers who use the corridor. This information will help to describe the functionality and transportation needs of the corridor from an economic development perspective.

Economic indicators are difficult to grasp due to the changing nature of consumer preferences and corporate expansions, consolidation, and downsizing. Corridor analysis can only attempt to forecast these changes utilizing whatever techniques are made available to highway designers and planners.

5.5 Environmental Impacts

Environmental impacts must be factored into corridor management decisions. Examine past EIS documents and consider updated environmental data on the affected corridor. DNR and DOT databases should have available information for evaluation. When additional access is requested, it must be determined whether the access would have a positive, negative, or neutral effect on the environment of the immediate and surrounding corridor area. Environmental data can be found with local MPOs and RPCs. Consult with the regional Environmental Coordinator and the DNR for existing environmental characteristics along the corridor and access points.

Requests for access along highway corridors are difficult to predict due to the ever-changing nature of land use along the corridor. Land use decisions, which are often driven by the motivation and preferences of local elected officials and private land owners, can alter the landscape along a highway corridor through zoning changes. What was once agricultural land may be converted to residential, commercial, or industrial development. This can increase the type and amount of traffic along a particular highway segment.

The most accurate prediction about land use plans is that they will be in a constant state of change. By considering the above recommendations and ensuring that intergovernmental agreements are in place (see [FDM 7-35-10](#)) highway planners would have at least taken into consideration those potential factors that may decrease or increase demand for access along the corridor in the future.

FDM 7-35-10 Additional Tools for Managing Access

February 17, 2023

Various access management tools are used to protect highway corridors from problems that result from uncontrolled access. These tools are used to preserve mobility, minimize congestion, maximize safety, and delay or prevent the need for capacity expansions and bypasses. Many corridor management tools are used prior to implementation of WisDOT's access management authority under sections 84.09 and 84.25 of the state statutes. These tools include, but are not limited to, the following:

1. Land use/access management plans;
2. Traffic impact analyses (TIAs);
3. Land division/development review -- subdivision plats, certified survey maps (CSMs), and planned unit developments (PUDs);
4. Joint and cross access easements for new and existing development;
5. Official mapping of transportation corridors;
6. Early WisDOT review of local zoning revisions and/or site development plans;
7. WisDOT input into local zoning ordinances/land use plans that affect state highways.

WisDOT has developed a standardized letter for region offices to send to local units of government, requesting that the department be given the opportunity to review proposals for developments that would generate significant impacts on state transportation facilities. A copy of the letter is provided in [Attachment 10.1](#).

10.1 Land Use/Access Management Plans

Land use/access management plans are plans developed jointly between local units of government and WisDOT. They have traditionally been initiated by local units of government facing rapid development of an area served by one or more state trunk highways. The local communities and WisDOT both realize that those highways must be preserved, to the extent possible, for future increased traffic volumes.

In a few cases, WisDOT has initiated the development of land use/access management plans, and in many other instances, WisDOT functions as a mediator between local units of government with differing objectives. WisDOT, counties, municipalities, and regional planning commissions/MPOs can all be appropriate parties to a land use access plan. These plans often result in formal intergovernmental agreements, which are described in more detail at the end of this section.

Land use/access management plans show existing and future access points to state trunk highways. For multilane highways, they show median crossovers as well. Ideally, these plans should be in place prior to

development in an area. In reality, land development is often what prompts a land use/access management plan to be initiated. If the adoption of the plan is accompanied by the signing of a formal intergovernmental agreement, no changes in access or median crossovers can occur without the agreement of all parties to the plan.

WisDOT is interested in expanding land use/access management planning because it promotes a strong partnership between land use and transportation. Some of the steps that could be included in a land use/access management planning process are:

- Agreement among the relevant parties that a plan should be developed.
- Survey of existing land uses along the highway corridor, planned land uses, zoning, and any subdivision regulations.
- Identification and review of both the number and use of existing access points.
- Identification and review of permitted access points not currently in use.
- Identification and review of any access plans for the corridor.
- Identification and review of any transportation facility or service improvements planned for the corridor.
- Identification and review of any economic development plans for the area, including new and expanded industrial/commercial parks adjacent to the corridor.
- Development of a plan for appropriate future access. The plan should address issues such as private access, public access, frontage roads, signals, median openings, turn lanes, access closures, access upgrades, etc.
- The use of an aerial base map to display details of the land use/access management plan.
- Conclusion of the planning process with the adoption of local government resolutions supporting the plan. WisDOT would endorse the resolutions.

The land use/access management planning process may result in a formal intergovernmental agreement. Statutory authority for such agreements is found in section 66.30 of the Wisconsin Statutes under the heading of intergovernmental cooperation. Various public agencies can enter into intergovernmental agreements under this statute. However, the parties to the agreement are each only allowed to act within their own legal powers and duties. For example, WisDOT cannot be granted oversight authority for something in an intergovernmental agreement that the department does not already have the legal authority to do.

Intergovernmental agreements generally include a purpose or mission statement, a list of objectives, a description of the parties' responsibilities, the agreement process, and a description of how the agreement will be enforced. Agreements may also include procedures for: making amendments, allowing one or more parties to withdraw from the agreement, dissolution of the agreement, and addressing agreement violations.

10.2 Traffic Impact Analyses (TIAs)

A TIA is an engineering study that compares before and after traffic conditions on a road network due to a proposed land use change. Either a development driven request for a change in access controls or a request for a driveway permit may trigger the need for a TIA. A TIA is produced to identify, for both WisDOT and the developer, the optimum number and location of highway access points and any roadway changes needed to accommodate the traffic generated by the development. The study is an integral part of the site plan design.

A TIA should be considered whenever traffic generated by the proposed development is expected to exceed 100 vehicles in the peak hour. Greater consideration should be given to requiring a TIA on an already congested or unsafe highway than on one with lower traffic volumes and crash rates. Whenever WisDOT determines a TIA is necessary, the developer is required to provide it.

Current policy requires the developer to pay all costs of making the necessary STH changes including the engineering, real estate and construction. In many cases, this involves providing the engineering, dedicating right-of-way and employing the construction contractor. The TIA must be prepared by a professional engineer. WisDOT staff must review and approve the TIA before any STH access changes are authorized.

A TIA should include the following components:

1. A description of the proposed development and that portion of the road network that will be affected by the development.
2. A description of the existing conditions including access points, daily and hourly traffic volumes, **crash data**, and a capacity analysis of future traffic without the proposed development. (Existing and forecasted volumes without development should be obtained from WisDOT when available.) See [FDM 11-5-2](#) for guidance on how to obtain traffic forecasts. It should also include estimated traffic volumes resulting from any other known development proposals and a capacity analysis that that incorporates those volumes and/or those of any previously proposed roadway improvements.

3. An estimate of trips generated by the proposed development based on land use and/or possible tenants. The reference source of the trip estimates should be identified. Trip estimates should include hourly and directional distribution of the generated trips based on the developer's market share analysis.
4. Trip assignments distributed to existing and proposed access points and to alternative access locations. Generally, at least one alternative should be considered if more than one access to the STH is proposed, if local roads exist which can or will be used, or if terrain or other features may affect safety. In highly developed areas, assignments may extend to controlled intersections beyond the immediate development area.
5. Total volumes combining existing traffic, trips generated by other known developments and trips generated by the proposed development. These volumes should be estimated for each alternative being considered.
6. Capacity analyses for the proposed and alternative access arrangements.
7. Conclusions and recommendations.

The methodology for a TIA essentially superimposes the estimated trip generation volumes and directional distribution on the existing volumes and projected volumes similar to a design year concept in improvement project design. These trips are then assigned to alternative access locations and schemes for analysis of their individual impacts and merits. The process becomes more complicated when other adjacent land use plans or road network changes are imminent and must be considered in the analysis. This brings other entities into the process of reaching agreements; and a lead agency or landowner is often required to coordinate the separate proposals into an integrated plan including all agreements on access, cost sharing and implementation. It is important to recognize that these last two responsibilities often affect the final design.

A TIA should be an integral part of the site plan development and review process. Since traffic circulation patterns are an integral part of the site plan and are dependent upon highway access locations, the decision to require a TIA should be made early in the site planning process. The amount of detail in the TIA should be commensurate with the size and scope of the development. An agreement to construct improvements to the roadway system identified by WisDOT based on the TIA is required as a condition to granting legal authorization for new access points and for the driveway or access road permits.

It is difficult to separate the TIA itself from the whole access approval process. As presented here, it is a tool but it differs from the others in that, by itself, it carries no authority. It is a study that produces recommendations which are executed under other access management regulations, usually the permit or platting processes.

See the WisDOT Traffic Impact Analysis Guidelines Manual for more guidance on preparing a TIA:

<https://wisconsindot.gov/dtsdManuals/traffic-ops/manuals-and-standards/tiaguide.pdf>

The three primary references on TIAs are: NCHRP 348, "Access Management Guidelines for Activity Centers"; ITE "Trip Generation"; and the ITE Recommended Practice for "Multimodal Transportation Impact Analysis for Site Development."

10.3 Land Division/Development Review

Land can be divided and/or developed in a number of ways. Land can be divided and planned for development through an official subdivision proposal; it can be divided through a certified-survey-map(CSM)¹ process; or it can be planned for development as a single planned-unit development (PUD)². Under Ch. 236 of state statutes, and Administrative Rule Trans. 233 WisDOT is required to review subdivision proposals for land that abuts one or more state highway. However, WisDOT is sometimes offered the opportunity to review and comment on proposed PUDs. and other types of land divisions WisDOT is interested in reviewing these development proposals because of the development's potential to generate significant impacts on state highways. (The sample letter in [Attachment 10.1](#) may be used by regions to request such review.)

In many instances, land owners subdivide their land in phases, rather than all at once. This allows them the

¹ Certified Survey Maps can be used for land divisions of no more than 4 parcels. Chapter 236 states "A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner."

² Planned Unit Developments (PUDs) are accomplished through special provisions in municipal zoning ordinances. PUDs often involve a mix of single-and multi-family residences, commercial uses, and, occasionally, industrial uses. PUDs allow flexibility in lot size, land use mixture, and other features not ordinarily found in a zoning ordinance. PUDs are considered conditional uses by local governments and are approved on a case by case basis.

flexibility to respond to market demand with a minimal amount of financial investment. Phased land divisions are of particular interest to WisDOT because of their potential cumulative impact on state transportation facilities.

When land division proposals are submitted to WisDOT for review, a careful check should be made to determine whether the owner of the land division has other contiguous land that is not part of the proposal. The owner and surveyor should also be contacted to determine the need for an overall area development plan. Such a plan could identify the need for additional future access points, or it could show that adequate access exists for future travel needs.

An access covenant should be developed and submitted to the property owner, requiring its execution as a condition of approval of the land division. This will provide for orderly development in the future and a well-thought-out plan by the developer.

10.4 Joint and Cross Access Easements

Joint access easements should be considered as a tool for corridor management and land use/access management plans. They can be used by adjacent land owners to create shared access points for two or more destinations from a single point of access; they can also provide several access points to many destinations and function as a quasi-private frontage road. Joint access easements can reduce traffic congestion on the through street by allowing people access to several destinations from a single access point.

Cross-access easements are used when: 1) a parcel without highway frontage has access to that highway across another landowner's property; and 2) to enable vehicles to move between adjacent parcels abutting a highway. In the latter case, the cross-access easement does not necessarily eliminate direct access to all fronting parcels. However, it does eliminate the need for vehicles to enter the highway to access adjacent properties, and it can facilitate direct access to median openings on divided highways.

Easements are agreements among land owners which should be recorded on property deeds to protect access rights in the transfer of ownership.

10.5 Official Mapping

Official mapping of transportation corridors is an important planning tool. By officially mapping transportation corridors in advance of their need, public agencies can limit development in the corridor and thus save future acquisition, site clearance, and/or relocation costs. Officially mapping transportation corridors in advance of construction also makes area land owners aware of future transportation plans and helps them to make appropriate decisions about their property.

Official maps are maps prepared by a unit of government for the area over which it has jurisdiction. Local units of government have the authority to officially map the area within their boundaries, showing features such as streets, highways, waterways, schools, parks and other public land uses. WisDOT has the statutory authority to officially map designated freeways and expressways, showing the future location of these types of facilities. (See [FDM 7-40-1](#).)

This tool is not frequently used by WisDOT because, once a corridor is mapped, land owners often become uninterested in improving property within the mapped corridor, and will claim financial hardship and ask the department to purchase the land even though it is not yet needed for highway construction. If a property owner wishes to make improvements within a mapped corridor, WisDOT must be notified. The department then has 60 days to initiate proceedings to purchase the property. If the property is not purchased at this time, the owner must be compensated for the improvements when the property is purchased for the transportation project.

If WisDOT works with local governments and requests them to officially map transportation corridors within their boundaries, the department can work toward protecting areas needed for future transportation facilities without creating some of the problems that currently prevent the use of this tool. An appropriate time for WisDOT to officially map a transportation corridor is following the completion of the environmental impact statement.

10.6 Zoning Revision/Site Plan Review

WisDOT can pursue its access management goals through participation with local governments in reviewing zoning changes and site plans in areas adjacent to or near state highways. The law requires that WisDOT, as an abutting land owner, be notified when adjacent land is proposed for rezoning. However, local governments often do not think of a state highway as adjacent property, and so notification of WisDOT is frequently overlooked. When WisDOT is notified of a rezoning proposal, the department can offer comments about the potential impact of the rezoning on the state highway.

Development site design can also affect state highways in terms of traffic flow and volume. When WisDOT is allowed to participate with local governments in the review of site plans, the department can make specific comments about how a site plan could be improved to facilitate the flow of traffic onto and off of the state

highway and improve safety. This review can also help to facilitate improved transit use and accommodate/enhance pedestrian and bicycle travel.

10.7 Zoning/Land Use Planning Input

In addition to reacting to local rezoning proposals and site plans, WisDOT can also take a pro-active stance in working with local governments to coordinate local land use decisions and state highway access management goals. By offering to assist local governments in developing zoning ordinances, comprehensive plans, and/or land use plans, WisDOT can offer a perspective often not otherwise available in the local planning process. WisDOT can offer this type of assistance when a more formal land use access plan is either not appropriate or not feasible.

LIST OF ATTACHMENTS

[Attachment 10.1](#) Sample Letter to Local Units of Government

Sample Letter to Local Units of Government

<DATE>

Dear <NAME>:

The purpose of this letter is to ask your cooperation in a matter I believe to be mutually important to us: *The preservation of the safety and capacity of that portion of the state trunk highway system located within your jurisdiction.* These roadways not only provide mobility for through traffic, but also carry customers and goods to and from your commerce and industry. Our concern is that these highways may become choked with numerous driveways and turning movements, and therefore, we ask your assistance in managing access to these major highways to protect their functionality.

The Department of Transportation is an objecting authority for abutting land division plats via Chapter 236 of the statutes and Administrative Code Trans. 233 and we have the necessary tools to control access for this type of development. However, we do not have review authority for Planned Unit Developments (PUDs) or other major new development which may occur along our highways due to simple zoning change or building permit. We do issue access permits for new or revised access to state highways, but permits can only be denied if deemed unnecessary or "unsafe."

We currently have working agreements with some county planning agencies by which we are notified of PUDs, and zoning revisions and provide our comments and recommendations.

We also have worked with counties, villages, cities and towns on land use access plans where cooperative studies were completed that fixed future access based on local plans and wherein each agency is able to make changes to that plan by gaining the concurrence of all other parties.

I would like to extend that same offer to you, as well. This will enable our department to be informed of abutting development that may occur but more importantly, to assist you in making access and future right-of-way reservation decisions. These decisions are extremely important as they must provide for all future development in your area.

In making this request, I realize that we are limited with regard to controlling land use where we do not have existing access controls. We do not intend to force recommendations on any local unit of government; we wish only to assist you in preserving the most important arterial highways that serve your area.

If you have any questions, please contact (name)_____ at
(address)_____ or call (phone)_____. If you would like to meet and discuss this matter in more detail, I offer to visit with you at your office at any time.

Sincerely,

<NAME>



FDM 7-40-1 General

November 30, 2018

1.1 Introduction

Wis. Stat. 84.295 provides the Department a legislative directive to develop and maintain a modernized highway system where in Wis. Stat. 84.295 (1) it states:

(1) Legislative intent. In the interest of promoting public safety and convenience and the general welfare, the legislature of the state of Wisconsin declares that the intent of this section is to provide for the development of a well-balanced and integrated state trunk highway system further modernized and improved to adequate standards to provide needed increased traffic capacity, relieve the congestion on overtaxed existing highways, and otherwise more adequately serve the present and anticipated future needs of highway travel, and toward that end to prevent conflicting costly economic development on areas of lands to be available as right-of-way when needed for future highway construction.

Wis. Stat. 84.295 (2) thru (9) proceed to grant the Department significant authorities to change the physical aspects, jurisdictional authority, and maintenance responsibility of the local highway system when constructing or doing improvements on a state highway so designated as a freeway or expressway. (See [FDM 4-5-15](#) for more details on the use of those authorities).

Wis. Stat. 84.295(10) furthermore grants the Department authority to map the right-of-way needed for future designated freeways or expressways, or improvements to existing designated freeways or expressways where it states:

(10) Establishing locations and right-of-way widths for future freeways or expressways.

84.295(10)(a) Where, as the result of its investigations and studies, the department finds that there will be a need in the future for the development and construction of segments of a state trunk highway as a freeway or expressway, and where the department determines that in order to prevent conflicting costly economic development on areas of lands to be available as rights-of-way when needed for such future development, there is need to establish, and to inform the public of, the approximate location and widths of rights-of-way needed, it may proceed to establish such location and the approximate widths of rights-of-way

Simply constructing a state highway to freeway or expressway standards does not convey the authorities granted under Wis. Stat. 84.295. Wis. Stat. 84.295 identifies specific criteria and procedures which must be followed in order for the statutory designation to occur and its associated authorities be granted. The purpose of FDM 7-40 is to describe the requisite criteria to be met, and procedures to be followed to properly implement authorities granted to the Department in Wis. Stat. 84.295.

Finally, it is emphasized that attempting to apply any portion of Wis. Stat. 84.295 outside of the specific criteria, processes, and procedures herein contained in FDM 7-40 has significant risk of violating a number of state statutes and federal rules governing allowable environmental and planning studies, and the legislative intent of the Wis. Stat. 84.295 itself.

1.2 Definitions

Controlled Access Highway:

Wis. Stat. 990.01(5r) states, "Controlled access highway. "Controlled access highway" means a highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities."

Expressway

Wis. Stat. 990.01(7a) states, "Express highway or expressway. An express highway or expressway is a divided arterial highway for through traffic with "full" or "partial" control of access and generally with grade separations at intersections. "Full" control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. "Partial" control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections."

Freeway

Wis. Stat. 990.01(9a) states, "Freeway. "Freeway" means a highway with full control of access and with all crossroads separated in grade from the pavements for through traffic.

1.3 Relationship to Other Statutes

The terms freeway and expressway occur in a number of different locations within Wisconsin statutes, and the question can be posed as to whether a highway needs to be 'designated' a freeway or expressway under Wis. Stat. 84.295 before any of these other statutory references to freeway or expressway can apply. The answer to that question is 'no'.

Wis. Stat. 84.295 defines actions and authorities granted specific to a highway which is so designated as a freeway or expressway under that statute. Any highway which meets the general definitions provided under Wis. Stat. 990.01(7a) and (9a) are respectively considered expressways or freeways. Under the assumption that all Wis. Stat. 84.295 designated highways meet either Wis. Stat. 990.01(7a) or (9a), there is value in briefly mentioning a few of other key statutes referencing freeways or expressways.

1.3.1 Controlled Access Highways, Wis. Stat. 84.25

Designation of a highway under Wis. Stat. 84.25 as a 'controlled-access highway' is neither removed nor superseded by the Wis. Stat. 84.295 designation as either a freeway or expressway. Wis. Stat. 84.25 designation can only be removed by following the official vacating procedure as described in [FDM 7-15-10](#).

1.3.2 Use of Controlled-Access Highways, Expressways and Freeways, Wis. Stat. 346.16

Restricts entry to authorized locations and restricts certain types of travel on that highway. Designation or lack thereof has no impact on this statute.

1.3.3 Authority to Prohibit Certain Traffic on Expressways or Freeways, Wis. Stat. 349.105

Allows the department or the authority in charge of maintenance of an expressway or freeway to prohibit pedestrians, mopeds, motor bicycles, bicycles or other non-motorized traffic. Designation or lack thereof has no impact on this statute.

1.3.4 Regulation of Outdoor Advertising, Wis. Stat. 84.30

Establishes criteria for the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to the national system of interstate and federal-aid primary highways. Designation or lack thereof has no impact on this statute.

1.4 Wis. Stat. 84.295 - Understanding the Difference Between Designation Action and Mapping Action

A designation action (hereinafter referred to as 'designation') does not require a mapping action. A mapping action (hereinafter referred to as 'mapping') does not require any approved improvement project action.

Designation is the action that creates a Wis. Stat. 84.295 freeway or expressway. Mapping is the recording of documents that identifies additional rights-of-way needed for future improvements on a highway designated as a Wis. Stat. 84.295 freeway or expressway.

FDM 7-40-5 Wisconsin Statutes 84.295 Designation Action

November 30, 2018

5.1 Introduction

Designation grants the Department additional authorities to make changes to the state and local highway systems when constructing or improving a state highway so designated. [FDM 4-5-15](#) describes the extent and use of these authorities in detail, and the reader is referred there for that information. It is the purpose of FDM 7-40 to focus only on the following aspects of designation:

1. The statutory and Department criteria which determine a candidate highway's eligibility for designation.
2. The statutory and Department policy procedures to enact designation.

5.2 Statutory Criteria for Candidate Eligibility for Wis. Stat. 84.295 Designation

Wis. Stat. 84.295 identifies the following candidate eligibility criteria for designation:

1. The volume and character of traffic is, or will be, sufficient to warrant the ultimate construction of a

highway to accommodate four or more lanes of traffic. Ref: s. 84.295(3)

2. The current AADT on the highway segment must exceed 4000. Ref: s. 84.295(3)

If candidate eligibility for designation was determined solely on these statutory criteria, the candidate list would be quite large. However, since designation as a freeway or expressway can generate a number of internal, interagency, public, local government, and political considerations; the Department has developed additional policy criteria to further screen which state highways should be considered candidates for designation.

5.3 Department Criteria for Candidate Eligibility for Wis. Stat. 84.295 Designation

Department criteria for determining eligibility of a candidate highway for designation fall under three categories.

1. Overall Highway System Logic
2. As-built standards of existing highway or approved projects in Department Improvement Program.
3. Enumerated Major Project Studies and Major Project Construction

5.3.1 Overall Highway System Logic

The Department has historically used the word 'system' to describe the network of state and local highways in Wisconsin. The term 'system' by definition means there is a rational interconnectivity between the highway segments. Designation should be reserved for those highways or highway segments that fit the statewide system concept of freeways and expressways.

The freeway and expressway system in Wisconsin is closely identified with the Department Backbone System. The Backbone System traverses long segments of the state highway system in a continuous fashion, connects large urban areas within the state, provides connectivity to or is one of the Interstate routes in Wisconsin, and carries the highest percentage of daily traffic and freight commerce. Designation should be reserved for purposes that help solidify and enhance that type of system concept.

Designation is also appropriate on urban bypass projects where a state highway is being relocated and constructed on new location to freeway or expressway standards due to severely degraded level of service and mobility on the existing state highway route. Because of the large financial and time investments required for urban bypass projects, the Department has a long-standing system policy that strives to build them to freeway standards. Freeway standards limit direct private or public access which helps maintain the highest level of mobility for the longest possible period of time.

5.3.2 As-Built Standards of Existing Highways or Approved Projects in Department Improvement Program

It is Department policy that designation shall match the design standard of the highway it is being placed on. Wis. Stat. 84.295 often uses the terms expressway and freeway interchangeably, and a casual reader could assume the statute is referring to them as essentially one and the same. Expressways and freeways are two different design concepts where designation is governed as follows:

Designation as a freeway shall only occur under either of the following circumstances:

- To an existing highway already built to freeway standards.
- To a highway with an approved project in the state highway improvement program where the approved project concept is construction to a freeway standard. Designation would occur as part of the delivery process once there is an approved environmental document identifying freeway construction standards.

Designation as an expressway should only occur under either of the following circumstances:

- To an existing highway already built to expressway standards.
- The highway has an approved project in the state highway improvement program where the approved project concept is construction to an expressway standard. Designation would occur as part of the delivery process once there is an approved environmental document identifying expressway construction standards.

Department policy and this criteria have evolved over the years, so there may be existing segments on our system where designation does not match the above current criteria.

5.3.3 Enumerated Major Project Studies and Major Project Construction

Special mention needs to be made regarding Major Projects. Major Projects can occur as reconstruction/expansion projects of existing highways on their existing location, or as new highways on new location. Appropriate application of designation depends on which situation is occurring.

If the Major Project Study preferred alternative is for a new highway on new location being built to freeway or expressway standards, the Major Project Study should not include designation of that proposed alignment as one of its study deliverables. Separate legislative action is required to enumerate the Major Project Study recommended alternative for actual construction. Until that occurs, the new highway on new location does not exist as an approved project and thus by Department policy is not eligible for designation. It would however be appropriate and perhaps desirable in this case for the Major Project Study to include reference to its intent to apply designation to the preferred alternative should enumeration for construction be granted.

On the other hand, if the Major Project Study preferred alternative is reconstruction/expansion of an existing highway on existing location, AND the existing highway is already constructed to freeway or expressway standards, designation can be considered for one of the Major Project Study deliverables. This is acceptable because the Department policy criteria allows designation to be applied to an existing highway currently built to expressway or freeway standards.

5.4 How Access Rights and Public Involvement Can Affect When and How Wis. Stat. 84.295 Designation Can Be Applied

Wis. Stat. 84.295 (3) & (5) states the following:

Designating highways as freeways or expressways. “[The Department] may by order designate... freeways or expressways segments of state trunk highways... The findings, determinations and orders of the department under this subsection shall be recorded... The action of the department relative to designation, layout, location or relocation of any part of a freeway or expressway shall be conclusive.”

A literal interpretation of this singular section of Wis. Stat. 84.295 suggests the Department can unilaterally apply designation by simply issuing a Finding, Determination, and Order (FD&O). However, what a statute says is allowable authority and what the Departments deems as appropriate use of authority are two different things. Access rights and public involvement requirements are two issues that can dictate when designation is appropriate, what designation should be applied (i.e. expressway or freeway), and how the designation process should occur.

The following two sections of FDM 7-40 will take a closer look at how designation decisions and procedures may be affected by:

- Access rights on lands abutting a highway being designated.
- Level of public involvement certain designation scenarios may require.

5.4.1 Access Rights on Lands Abutting a Highway Being Designated

Wis. Stat. 84.295(5) and (9) speak to the issue of how designation does or does not affect private lands or access rights to the highway being designated. The key points are very clear and important to understand.

- If a new highway being built on new location is designated under Wis. Stat. 84.295, it statutorily prevents any access rights from accruing on any property which abuts that highway. This is referenced as follows:

(5) DESIGNATING HIGHWAYS AS FREEWAYS OR EXPRESSWAYS. Where a state trunk highway is established on a new location which is not on or along an existing public highway, and the state trunk highway is designated as a freeway or expressway no right of access to the highway shall accrue to or vest in any abutting property owner.

- If designation is placed on an existing state highway, any pre-existing access rights on lands abutting that highway remain in place. If the Department desires to remove any existing access points or access rights to that highway from abutting lands, the statutes require the Department to either provide alternative access to those properties or acquire those rights from the landowner of record. This is referenced as follows:

(5) DESIGNATING HIGHWAYS AS FREEWAYS OR EXPRESSWAYS.... Where a state trunk highway is on or along any highway which is open and used for travel and is designated as a freeway or expressway, reasonable provision for public highway traffic service or access to abutting property shall be provided by means of frontage roads as a part of the freeway or expressway development, or the right of access to or crossing of the public highway shall be acquired on behalf of the state as a part of the freeway or expressway improvement project.

- Wis. Stat. 84.295(9) re-affirms that designation does not affect existing private property rights of access to pre-existing highways. Should the Department require any property rights for the development of the freeway or expressway design; it must acquire them as prescribed by law. This is referenced as follows.
- (9) ESTABLISHING FREEWAY STATUS... Such [designations] shall not affect private property rights*

of access to preexisting public highways, and any property rights to be taken shall be acquired in the manner provided by law. No previously existing public highway shall be developed as a freeway or expressway without acquiring by donation, purchase or condemnation the right of access thereto of the owners of abutting land.

Acquisition of property rights of access to pre-existing highways is not required for the designation action itself to occur. Acquisition of such pre-existing rights is only required at the time the Department is seeking to physically remove the access points from the designated highway.

These statutory delineations provide the basis for the following Department policy statements on designation:

1. If there are existing direct, at-grade public or private access points to a highway being designated, designation shall be limited to expressway pursuant to the definition under Wis. Stat. 990.01(7).
2. Designation as a freeway, pursuant to the definition under Wis. Stat. 990.01(9), shall only occur when the designated highway meets the criteria identified in [FDM 7-40-5.2](#).

5.4.2 Level of Public Involvement for Wis. Stat. 84.295 Designation

Wis. Stat. 84.295 contains no specific public involvement requirements for designation. However, it is recognized there are other federal rules, state statutes, and Departmental policies that trigger suggested or required levels of public involvement depending on the Department action being considered. These triggers typically occur when the Department is either proposing to physically change some aspect of the state highway system, or intending to apply statutory authorities it has been granted.

Because designation does grant the Department additional authorities for altering local roads, public access, and private access, it may change the authoritative relationship between the Department, local units of governments, and private landowners, and may require some level of public involvement before designation should occur. The operative word here is 'may' since not all designation actions change the existing authoritative relationship between the Department, local authorities, and private landowners.

Examples where designation would by all intents not change this authoritative relationship are where freeway designation is being applied to a highway already built to freeway standards, or expressway designation is being applied to a highway where no private access currently exists. The point here is that if there are no elements left on the highway that designation authority can alter, it is a logical conclusion that designation doesn't change the authoritative relationship between the Department and lands abutting the designated highway. Thus, the need for any expanded public involvement is limited to the publication of the Notice of Intent to Designate (NOITD) which is discussed in further detail in [FDM 7-40-5.4](#) (item 4).

The matrix below provides general guidance on the level of public involvement depending on the combination of current conditions of the existing highway and type of designation being considered. You will note the matrix options fall into one of two situations.

1. Designation is occurring as part of an approved design and construction project to construct or reconstruct a highway to freeway or expressway standards. A public involvement process will be required for design and construction approval of such a project, and any intent to designate shall be included in the public involvement plan for that improvement project.
2. Designation is occurring as a standalone action on an existing highway, absent of any scheduled freeway or expressway improvements. Because designation alone does not impact the existing access or access rights the only public involvement necessary is the publication of the Notice of Intent to Designate as described in [FDM 7-40-5.4](#) (item 4).

Description of highway where Wis. Stat. 84.295 designation is being placed	Public Involvement Required	Designation Type
Approved projects in the state highway improvement program (including Major Projects that have been enumerated for construction) with approved concept of a new highway on new location being built to freeway or expressway standards.	A highway relocation requires approved WEPA/NEPA documentation for design/construction approval. That process includes significant public involvement. A designation action would be included in, and referenced as part of that public involvement process.	Freeway if no at-grade intersections. Otherwise Expressway.
Existing 2-lane highway being reconstructed to freeway standards	A reconstruction expansion project of this type requires approved WEPA/NEPA documentation and associated public involvement. Designation action would be included in, and referenced as part of that public involvement process.	Freeway
Existing 2-lane highway being reconstructed to expressway standards	A reconstruction project of this type would require specific WEPA/NEPA documentation and associated public involvement. Designation action would be included in, and referenced as part of the project public involvement procedures.	Expressway
Existing highway already built to freeway standards. All abutting access rights already in Department possession.	Since all access rights are already in Department ownership, designation does not impact any abutting private land. Publication of the NOITD only	Freeway
Existing highway already built to freeway standards. Some abutting access rights are not currently in Department possession. No private or public access connections to highway since it was built to freeway standards.	As described, the facility already meets freeway definition prior to designation so designation does not impact any abutting private land. Publication of the NOITD only	Freeway
Existing highway already built to expressway standards. All abutting access rights already in Department possession. No existing private access connections to highway. May have at-grade local road connections.	As described, the facility already meets expressway definition prior to designation so designation does not impact any abutting private land. Publication of the NOITD only	Expressway
Existing highway already built to expressway standards. Some abutting access rights not currently in Department possession. No private access currently attached to highway.	As described, the facility already meets expressway definition prior to designation so designation does not impact any abutting private land. Publication of the NOITD only	Expressway
Existing highway already built to expressway standards. Some abutting access rights not currently in Department possession. Some private access still connects to highway.	As described, the facility already meets expressway definition prior to designation so designation does not impact any abutting private land. Publication of the NOITD only	Expressway

5.5 Designation Action Approval and Implementation Process

1. Complete a study or investigation report that provides the basis for taking the designation action.
 - If designation is occurring as part of an approved project in the state highway improvement program, the action will be included in the improvement project documents and referenced in the improvement project's Design Study Report.
 - If designation is being placed on an existing freeway or expressway without any associated improvement project, a standalone report should be developed. There is no prescriptive format for this report but it should at minimum contain data to show it meets the statutory criteria for designation. Additional information of value would be how the designation enhances or fits within Department policies for statewide freeway and expressway system or construction of

urban bypasses.

2. Complete any required public involvement, consider the input received, and then decide whether to proceed with designation as proposed. If the determination is to move forward, proceed with the following steps to complete designation action.
3. Prepare the final Finding, Determination, and Order (FD&O) for the designation action. The designation FD&O is prepared by using Form DT2169 which is shown as [Attachment 10.1](#). The proposed FD&O is developed by the Region office, routed to the DTSD Bureau of Technical Services, Utility and Access Unit for review and assignment of a sequential freeway/expressway designation number from the Bureau of Project Development Publications, Construction Standards, and Technology Unit.

The FD&O shall list all sections, towns, and quarter-quarters that the designated highway abuts. If the new highway ROW abuts but does not occupy the 40 - don't put that quarter-quarter on the FDD.

4. Post a Notice of Intent to Designate (NOITD). The NOITD is shown as [Attachment 10.8](#). A copy of the proposed FD&O for designation is attached as part of the NOITD.

A NOTID shall posted as a Class 1 Legal Notice. If there is public comment as a result of the NOTID, the Department must consider those comments before proceeding to execute an FD&O for designation. Public comments received from the NOTID should be included in the project records for the designation action.

5. If upon consideration of the comments received from the NOITD, the Department determines that designation should proceed as proposed, a final form FD&O document is prepared by DTSD Bureau of Technical Services, Utility and Access Unit and forwarded to the DTSD Division Administrator for signatory approval.
6. The signed, approved FD&O is then returned to the Region office, and pursuant to requirements of Wis. Stat. 84.295(3), shall be recorded in the office of the Register of Deeds in each county where the designated segment of highway is located. A separate FDO will be drafted and recorded for each county.
7. The original recorded FD&O document shall then be sent to the DTSD State Access Management Engineer who is responsible for filing the document in the appropriate Departmental record systems.

FDM 7-40-10 Wisconsin Statutes 84.295(10) Mapping of Future Right-of-Way Widths on Designated Freeways or Expressways

November 30, 2018

10.1 Introduction

Wis. Stat. 84.295(10) provides the Department the authority to establish the location and record a map of the rights-of-way needed for the future development and construction of a state trunk highway as a freeway or expressway. This is referred to as an '84.295 mapping action', hereinafter referred to as 'mapping'.

Mapping as defined in Wis. Stat. 84.295(10) has the following statutory tenets:

- Mapping is a recorded action that runs with the title of the property until such time the Department acquires the property as right-of-way, or removes the recorded mapping action from the property.
- Only the lands specifically identified as possible future right-of-way are mapped. For example, if only one (1) acre on a forty (40) acre parcel is identified as future right-of-way, then only that one (1) acre within that forty (40) acre parcel is mapped. The remainder of the parent parcel is left entirely unaffected by the mapping action.
- No acquisition of private property as right-of-way occurs as part of the mapping. Acquisition is a separate process and follows the standard procedures for Department acquisition of private lands for public rights-of-way. Acquisition of mapped property can occur at Department discretion.
- The underlying property owner of a mapped parcel is required to give the Department 60 days advance notice by registered mail before adding new structures or, rebuilding or altering existing structures within that mapped area. Failure to provide such notice removes any obligation of the Department to compensate the owner for the items if and when the mapped property is acquired as right-of-way. If the Department determines it wishes to pursue acquisition of the mapped parcel, the notification also starts the 60-day timeframe in which the Department has to notify the land owner they intend to start the acquisition process of the mapped parcel. Only notification of intent to purchase needs to occur within that 60-days, and the advised procedure for doing this is to record a lis pendens against that property.

- If a property owner of a mapped parcel has properly submitted a request to add a new structure or alter an existing structure within the mapped area, the Department's only option to prevent that from occurring is to advance acquire the mapped parcel. If advance acquisition is pursued, WisDOT has 60 days to notify the property owner and start the acquisition process. If advance acquisition is not pursued, the property owner retains full use of the mapped property and can proceed with the proposed alterations. The Department is then obligated to provide full compensation for those items if and when the mapped property is acquired as right-of-way.

The Department has also established the following policy rules:

- *No 84.295(10) recorded map shall identify a highway as being mapped to a future freeway unless the recorded map shows, details, or explains all the improvements or alterations necessary to achieve a freeway standard.* Sometimes, WisDOT does not know how the details will play out and how a property might access their land in the future. There are times that WisDOT will simply place an "X" on the driveway and this indicates that the parcel will have to achieve alternative access. This can be done through the property owner purchasing an easement from a neighbor, or a subdivision creates an access from the back, or some other means. (See [FDM 7-40-10.4](#), item 3).
- *No 84.295(10) recorded map shall identify a highway as being mapped to a future expressway unless that recorded map shows, details, or explains all the improvement or alterations necessary to achieve an expressway standard.* (See note above for the freeway standard. Same logic is that sometimes WisDOT doesn't know exactly how the parcel will look at the time we construct.). Also, see [FDM 7-40-10.4](#), item 3.

10.2 Appropriate Scenarios for Use of Wis. Stat. 84.295(10) Mapping

There are primarily two scenarios under which the Department may consider using its mapping authority.

1. The Department has performed a study that identifies what future improvement options resolve an identified system problem on a Wis. Stat. 84.295 designated highway, and where said improvement options require additional right-of-way to construct.
 - The study is the 'planning action' which identifies reasonable design alternatives to resolve identified system needs.
 - The map is the 'preservation action' where pursuant to Wis. Stat. 84.295(10) is intended to help "...prevent conflicting costly economic development on areas of lands to be available as rights-of-way when needed..." or other activity that would prevent those lands from being used as right-of-way.
2. The Department has an approved improvement project on a Wis. Stat. 84.295 designated highway to construct or reconstruct a project to freeway or expressway standards. During the delivery process, financial or other issues occur that cause the Department to defer portions of that project to a later date. For example, the deferred item could be construction of a new interchange that required new right-of-way. The Department could decide to still acquire the new right-of-way as part of the improvement project and defer just the construction element; or, it could simply map that new right-of-way with intent to acquire it at a later date.
 - The design process and associated environmental document are the 'planning action'.
 - The map would be the same 'preservation action' as described in item 1 above.

Regardless of how one arrives at the decision point to map the lands needed for future right-of-way, the milestone process to complete that mapping is the same.

10.3 Other Considerations with Mapping

Other considerations with mapping include:

- When is it appropriate to consider not mapping future right-of-way?
- Has the mapping included considerations of local planning?

10.3.1 When Is It Appropriate to Consider Not Mapping Future Right-of-Way?

It would be incorrect to assume that all identified future right-of-way needs resulting from a Wis. Stat. 84.295 Study are automatically mapped. Mapping is a preservation action and therefore there should be some reasonable preservation value in the property being mapped. If the area needed for future right-of-way is already developed to the highest reasonable type of development for that parcel, then mapping it would arguably no longer *'prevent conflicting costly economic development'* from occurring on it since it's already developed.

Also, mapping does record an interest on the underlying property upon which the mapped area is located. Some

may suggest that recording of a mapping interest by the Department places a 'cloud' on the title of that property. If one is defining a 'cloud' as being any recorded interest, then that would be true. However, most legal definitions for 'cloud' on a title include reference to it being a 'defect' such that it creates confusion of ownership or places restrictions on assumed free use of the property. Wis. Stat. 84.295(10) mapping does not place any portion of the land under WisDOT ownership, nor does it restrict any use of that property by the underlying owner. That would suggest that such mapping does not cloud the underlying title.

Regardless, past use of mapping by the Department has led to perceptions and statements that it places a 'cloud' on the title. The Department should be aware of, and respect the fact that such perceptions do exist and thus avoid or minimize the opportunity for them to be created. Not mapping parcels that are already fully developed can minimize the basis for those lands to suggest they have a 'cloud' and that the Department has an obligation to advance acquire them. (See [FDM 7-40-10.5](#) for more details on advance acquisition of mapped lands). If there is nothing to preserve because it's already developed, then one should strongly consider whether mapping is appropriate.

Similarly, it is appropriate to consider not mapping lands currently under ownership of other public agencies who already have development use restrictions on those lands. Examples would be wildlife areas owned by WisDNR, US Fish and Wildlife, and Corp of Engineers.

10.3.2 Has Mapping Included Considerations of Local Planning?

The Wis. Stat. 84.295 Study should be working closely with local units of government when any of the reasonable alternatives are suggesting a need to alter the existing local road system, or necessitating the addition of local service or frontage roads. The degree to which the Department can make their identified local system alterations fit into, or enhance the existing local system; the easier it will be to achieve public consensus on the alternatives proposed.

When harmonization of the future local plans and Department plans can occur, the Department should encourage the local units to apply their official mapping authorities on the Department's mapped land as well. Local official mapping can be more restrictive than Department mapping authorities and provide a much stronger first line of defense in preserving lands for future right-of-way.

10.4 Mapping Action Approval and Implementation Process

1. Complete a Wis. Stat. 84.295 Planning Study

As indicated in [FDM 7-40-10.2](#) and [FDM 7-40-10.3](#), mapping is a preservation action which follows a planning action. The planning action is the study that identifies what future improvement options resolve an identified system problem on a Wis. Stat. 84.295 designated highway. If those study options require new right-of-way, the Department may then decide to pursue a preservation action to map those lands.

The "Purpose and Need" of this study shall clearly state that it is for planning and preservation. Mapping actions should not be misused or misunderstood as a tool to generate public appetite for new construction. Transition from a preservation action to an improvement project can only occur if the roadway meets established Department program needs criteria for that specific roadway classification.

If the scenario described in [FDM 7-40-10.2](#) occurs where a decision is made to only map rather than purchase right-of-way identified for a portion of an approved improvement project on a designed Wis. Stat. 84.295 roadway, a separate Wis. Stat. 84.295 Planning Study or Report shall be developed to document and identify that mapping as a preservation action separate from the other improvement 'design and construction' actions on that project. This documents the fact that the mapping is being done under Wis. Stat. 84.295(10) as a preservation-only action rather than under the 'design and construction' actions of the original NEPA and WEPA.

The "Purpose and Need" section of a Wis. Stat. 84.295 Planning Study should use verbiage as follows:

Pursuant to Wis. Stat. 84.2951 (1) thru (3), the purpose of this planning study on <hwy> in <county name> County between <begin point and end point locations> is to develop a plan for future improvements to reduce or eliminate existing and emerging crash issues and enhance operational performance. If additional right-of-way is necessary for those improvements, the Wisconsin Department of Transportation (WisDOT) may preserve the future right-of-way through authorities and rules granted under Wis. Stat. 84.295 (10).

This Wis. Stat. 84.295 planning alternative analysis is primarily focused on at-grade intersections within the study segment to address existing and emerging operational and safety concerns by:

- *Developing a plan for future improvement options that reduce or eliminate the safety and operational concerns.*
- *Ensuring consistent land use for any planned improvements requiring new rights-of-way, and that said future rights of-way can be preserved for when needed.*

A Wis. Stat. 84.295 planning study examines future improvement concepts in the context of assumptive construction in order to appropriately determine their respective level of impacts and validity as a reasonable alternative to address the safety or operational issues identified. However, the construction of any improvements identified in the Wis. Stat. 84.295 planning study would require approval of additional environmental evaluation documentation pursuant to Wisconsin Administrative Code Trans 400, and whose Purpose and Need was specifically identified as that of "Design and Construction."

2. Design Detail of Improvement Options

There must be sufficient engineering to clearly articulate the need for the future right-of-way being identified for mapping. It is strongly suggested that this would be at or near the same level of engineering detail required for plat development on an improvement project. The engineering detail must be able to identify any obstacle that could alter or preclude construction of the proposed study alternatives.

3. Complete Draft Map of Future Right-of-Way Needed

Since the intention of the map is to define right-of-way, it uses the same basic format and graphic templates as a WisDOT Transportation Project Plan (TPP). (See [Attachment 10.4](#)). This allows for easy modification of the map to a TPP should there be a desire to advance acquire the mapped parcels. The map shall show the existing highways, property lines, existing owners of record, and the future interests or right-of-way being mapped.

If the study is proposing to make improvements that would upgrade an expressway to a freeway, and where the existing expressway has at-grade private or public access points, the map must show or state how those private or public access points will be removed in order to achieve a freeway standard when all mapped improvements are completed.

- For private access points, this could be identifying an alternate access to the public road system, or statement of intent to acquire those access rights in lieu of alternate access being provided.
- For public roads, it would be showing how any of the alteration authorities granted in Wis. Stat. 84.295 are being applied to state and local road systems in order to achieve a freeway standard.

As indicated earlier in FDM 7-40 "...No study or recorded map shall identify a highway as being mapped to a future freeway unless the recorded map shows all the improvement or alterations necessary to meet a freeway standard."

4. Hold a Public Hearing

The department shall hold a public hearing on the matter in a courthouse or other convenient public place in or near the region to be affected. The reader is referred to [FDM 6-15](#) for guidance on the current, appropriate public hearing process for Wis. Stat. 84.295(10) mapping. Unlike Wis. Stat. 84.25, Controlled Access Highways, Wis.Stat. 84.295(10) does not require separate public hearings in each county where the mapping is occurring. It only requires a public hearing (i.e. singular) to be, "...in or near the region to be affected by the proposed change."

The following documents shall be made available at the public hearing, and then entered into the public record by the Department as part of its testimony at the public hearing.

- The map of right-of-way needed for future improvements, hereafter refer to as Map.
- The Wis. Stat. 84.295 Planning Study.
- The Class 3 Legal Notice that was posted for the Public Hearing.

Both the proposed 'Notice and Order Establishing Locations and Right-of-Way Widths' (DT 1536) and proposed Map should be submitted to the DTSD Bureau of Technical Service Utility and Access Unit for review prior to the public hearing.

5. Signatory Approval of the Map and 'Notice and Order Establishing Locations and Right-of-Way Widths'

(DT 1536).

The Department shall consider all public comment received as part of the public hearing and comment period. If after consideration the Department determines to proceed with the mapping action as proposed, the final Map and the 'Notice and Order Establishing Locations and Right-of-Way Widths' (DT 1536) are both signed by the Region.

The DT 1536 shall be reviewed and approved by the DTSD BTS Access Engineer before it is signed by the Region.

6. Record the Wis. Stat. 84.295(10) Map in the appropriate County Register of Deeds Office(s).

Upon signatory approval by the Region the Map shall be recorded by the Region in the office of the Register of Deeds of each county identified in the Map. Form [DT2203](#) shall be used when recording the Map.

Wis. Stat. 84.295(10) requires that the notice of mapping action and recording of the Map shall be published as a Class 1 Legal Notice as described in Wis. Stat. 985 in each of the counties where the recorded mapping is occurring.

A copy of the recorded Map shall then be forwarded to BTS Access Engineer for filing within the appropriate Departmental corporate record system for such MAPS.

7. Record Form [DT1536](#), *Notice and Order Establishing Locations and Right of Way Widths for Future Freeways or Expressways*

Since Form DT1536 must include the recording information of the Map (i.e. Volume, Page, and Document), it is recorded right after the Map is recorded. It is critical that the DT1536 references sufficient CSM, Plat, and metes and bounds descriptions to accurately identify the properties being mapped.

As noted earlier, the DT1536 shall be reviewed and approved by the DTSD BTS Access Engineer before it is signed by the Region and then recorded.

8. Notify current owners within 60 days of recording of the Map.

Wis. Stat. 84.295(10) requires that any owner of record upon whose property the Department has mapped future right-of-way must be notified by the Department of that mapping action. Within 60 days of the recording of the Map, the Department must notify all such owners of record by registered mail or certified mail (See Statute 990.001(13) Registered and Certified Mail) that the Map has been recorded in the County Register of Deeds office. This mailed notice to property owners shall include a copy of the executed form [DT1536](#) and a copy of the recorded Map page(s) that includes their affected property.

See [Attachment 10.3](#), [Attachment 10.4](#) and [Attachment 10.6](#).

10.4.1 Revising Previously Recorded Maps

The Department is authorized to make changes to a Map pursuant to Wis. Stat. 84.295(10) (a) where it states, *"With like approval, notice and publications, and notice to the affected record owners, the department may from time to time supplement or change the map."*

Revisions could occur with just the minimal requirement of following Step 2) thru Step 8) of procedure described in [FDM 7-40-10.4](#). However, a new or updated Wis. Stat. 84.295 Planning and Preservation Study may be necessary if any of the following are also occurring with or causal to the Map revision:

- The Map revisions are a result of significant changes to the design concepts in the original study that led to creation of original Map. Examples of this would be changing a proposed overpass to an interchange or proposed at-grade to an overpass.
- The revised mapping impacts landowners not previously impacted by the original Map.
- If the lands added under the revised Map were eventually purchased as right-of-way, it would have a significantly different impact on the underlying property than that of the original Map. An example would be if purchase of the revised mapped lands would result in relocation, but where the original mapping would not have.

Department discretion is required as to when a revised or updated Wis. Stat. 84.295 Planning and Preservation Study should occur when revising an existing Map. It is strongly suggested that some type of study documentation should accompany and support any Departmental action to add mapping. The only exception would be if the revision is a Department action to rescind a previous mapping action. No study would be required in that situation.

10.5 Advanced Acquisitions of Wisconsin Statute 84.295(10) Mapped Future Right-of-Way

Advance acquisition of highway right-of-way is when the Department acquires private lands as highway right-of-way 'in advance' of constructing the actual improvement for which that right-of-way is needed. Wis. Stat. 84.295(10)(c) provides authority to the Department, county, or municipality to advance acquire mapped lands as right-of-way where it states:

"Without limiting any authority otherwise existing, any of the rights-of-way needed may be acquired at any time by the state or by the county or municipality in which such freeway or expressway is located."

If this portion of the statute is read in isolation and applied in literal fashion, there would appear to be few, if any, limitations on when the Department could advance acquire mapped lands as highway right-of-way. But it is important to make a distinction here between the level of statutory authority granted and the prudent application of those authorities.

Previous sections of FDM 7-40 emphasize that Wis. Stat. 84.295 designation and mapping are 'planning and preservation' actions. Wis. Stat. 84.295(10)(a) clearly has a preservation perspective when it describes the purpose of mapping as being,

"...to prevent conflicting costly economic development on areas of lands to be available as rights-of-way when needed for such future [highway improvements]..."

Advance acquisition of mapped lands for these preservation purposes would be defined as a protective purchase, since it 'protects' the ability to acquire and use the land for highway right-of-way. Protective purchases are a preservation action and are readily supportable under the planning and preservation intentions of Wis. Stat. 84.295. This does not mean that purchasing mapped lands is statutorily constrained to only those situations that meeting a definition of protective purchase. It simply means it is always in the Department's policy and statutory interests to be within a planning and preservation focus when applying any aspect of Wis. Stat. 84.295. Straying too far or too often from that focus invites the risk of legislative revocation of these authorities.

This provides an appropriate segue to the topic of hardship acquisition of mapped parcels.

Hardship acquisition is another type of advanced acquisition. The criteria for hardship acquisition were originally developed for right-of-way acquisition on approved improvement projects. It occurs when a landowner identifies certain extenuating circumstances to support a request to have that right-of-way acquired from his lands earlier than the Department's improvement project had scheduled. Once the Department files a relocation order, lands identified therein for right-of-way acquisition go into a limbo state that precludes compensation for additional improvements made to them. Depending on circumstances, that state of limbo until the improvement project's scheduled acquisition occurs may constitute a hardship and justify advance acquisition of those lands ahead of schedule.

Mapped parcels are different since they do not restrict the owner's use of their property, and full compensation can be provided for any improvements made to their property between the time it is mapped and ultimately purchased as highway right-of-way. This absence of prohibitive restrictions on landowner use of a mapped parcel makes it quite difficult to establish a hardship claim on a mapped parcel. However, while quite difficult, it is not entirely impossible either.

It is recognized that extensive mapping on a singular parcel may give cause to consider possible hardship implications to that owner. For example, if acquisition of the mapped lands would require a relocation or prevent the current use of the property from occurring on the remainder property, there may be cause for the Department to consider advanced acquisition if the landowner approached them suggesting hardship.

But this brings us back to consideration of [FDM 7-40-10.3.1](#). If the lands within the proposed mapped area are developed to the point where relocations would occur if required, one must consider whether mapping is necessary or appropriate. Relocation indicates significant development has already occurred on the parcel resulting in minimal or no preservation value to protect. If so, mapping is not warranted.

LIST OF ATTACHMENTS

Attachment 10.1	Sample Finding Determination and Order, DT2169
Attachment 10.2	Sample Notice of Non-Access Highway, DT2051
Attachment 10.3	Sample Notice and Order Establishing Locations and Right of Way Widths, DT1536 and Attachment

Attachment 10.4	Sample Map
Attachment 10.5	Cover Document for Recording Map, DT2203
Attachment 10.6	Sample Cover Letter to Property Owners
Attachment 10.7	Partial Release from Order Establishing Locations and Right-of-Way Widths-Future Freeways (Sample)
Attachment 10.8	Notice of Intent to Designate (NOITD)

Document Number

**FINDING, DETERMINATION, AND
ORDER, WIS.STAT.84.295
DESIGNATION**

Wisconsin Department of Transportation
DT2169 12/2010 s.84.295 Wis. Stats.

Designating <hwy>in<county>County as a <freeway, expressway>

This Finding, Determination, and Order refers to the following official route of the State Trunk Highway System:

This space is reserved for recording data

The Department of Transportation in the interest of promoting public safety, convenience, and the general welfare, hereby declares the portion of highway described above to be designated a <freeway, expressway> in accordance with Wis. Stat. 84.295 of the Wisconsin Statutes.

In making this declaration, the Department through its investigations and studies does find and determine:

1. That the highway has a currently assignable traffic volume in excess of 4,000 vehicles per day.
2. That the volume and character of the traffic being served warrants Designation as a <freeway, expressway>.
3. That such designation more adequately serves the present and anticipated future needs of highway travel in the state.
4. That, as provided under by Wis. Stat. 84.295, the general controls exercised over traffic entering or leaving the designated highway are as follows:
 - a) Existing public highways may be altered, vacated, relocated, extended or combined in conjunction with improvements to this designated highway.
 - b) Existing private access to abutting properties may be altered by the reasonable provision of access through local services roads, or by acquisition by the state as highway right-of-way through donation, purchase or condemnation in the manner provided by the laws of the state.
 - c) If the designation is being applied to an approved improvement project where the designated highway is being built as a new highway on new location, no rights of access shall accrue to any lands abutting any section of that portion of new highway on new location.
5. As provided under Wis. Stat. 84.295(10), the Department may take actions to map locations and widths of future right-of-way for planned improvements to the designated highway.
6. That lands in <county name> County that abut or adjoin with, or are traversed by this freeway are listed in their respective towns, and sections, and in a direction from as follows:

This Finding, Determination, and Order will be identified in Department Files as freeway/expressway>, # <FDO number>.

This Finding, Determination, and Order is approved and adopted by the Department of Transportation.

Wisconsin Department of Transportation

(Division Administrator Signature) (Date)

(Print Name)

Project ID <ID number>	This document need not be notarized as per s.706.001(2)(a) Wis. Stats. This instrument was drafted by the Wisconsin Department of Transportation.	County <name of county>
---------------------------	--	----------------------------

Example DT2051 Notice of Nonaccess Highway, DT2051

(To obtain a working copy of this form follow this link

<http://wisconsin.gov/Pages/global-footer/formdocs/default.aspx>

to get to the WisDOT forms page then use the find function (Control F) to search the page for DT2051.)

NOTICE OF NONACCESS HIGHWAYWisconsin Department of Transportation
DT2051 1/2012 s.84.09(1) or 84.295 Wis. Stats.

PLEASE TAKE NOTICE that no rights of access shall accrue between the highway to be constructed, currently designated as S.T.H. 15, and the lands of the owner(s) Melvin A. and Ruth P. Scharine; located in the Lot 2 of Certified Survey Map 12389, in the Northeast 1/4 of the Northeast 1/4 of Section 12 in the T5N, R6E as described in that certain instrument as recorded in Volume 260, Page 32 Document Number 167895 in the office of the Walworth County Register of Deeds.

See attached deed for complete legal description.

This space is reserved for recording date	
Return to:	
WisDOT Southeast Region	
Attn: Joe Wurker	
141 NW Barstow Street	
PO Box 798	
Waukesha WI 53188	
Parcel Identification Number/Tax Key Number	
123456-678-90	

(Signature for Division Administrator)	(Date)
J.M. Bizzy	
(Print Name)	
	State of Wisconsin)
	) ss.
	Waukesha County)
	On the above date, this instrument was acknowledged before me by the named person(s).
	(Signature, Notary Public, State of Wisconsin)
	Payne Hertz
	(Print or Type Name, Notary Public, State of Wisconsin)
	December 31, 2015
	(Date Commission Expires)

Sheet No. 4.02

Project ID 1234-00-21

This instrument was drafted by Wisconsin Dept. of Transportation

Parcel No. 23

(WisDOT staff can obtain a working copy of this form at:
<https://wigov.sharepoint.com/sites/dot/forms-docs/Pages/AuthorizedForms.aspx>.
Use the find function (Control F) to search the page for DT1536.)

Document Number

**NOTICE AND ORDER ESTABLISHING
LOCATIONS AND RIGHT-OF-WAY WIDTHS**

Wisconsin Department of Transportation
DT1536 1/2017 s. 84.295 Wis. Stats.

The Wisconsin Department of Transportation, pursuant to the provisions of Wis. Stat. 84.295(10) Wis. Stats., approves the designated <freeway, expressway> map, referred to as the Map, recorded as <document #> in the <county name> County Deeds Registry. This Map establishes future right-of-way needed for planned improvements on the highway shown in the Map, and is a preservation action to prevent conflicting, costly economic development on lands needed for future highway improvements.

The approved Map shows the location of the planned improvements to the highway and the approximate widths of the rights-of-way needed for their construction. The Map may include the right-of-way needed for traffic interchanges with other highways, grade separations, service roads and other incidental facilities. The Map may include lands needed for the alteration or relocation of existing public highways to adjust traffic service to grade separation structures and interchange ramps. The Map shows the existing highways, the property lines and record owners of lands needed. The Map is related to department project ID.

This space is reserved for recording data

The lands affected by the Map are more particularly described in the attached Schedule of Property.

Pursuant to Wis. Stat. 84.295(10)(b), no one shall erect, move in, rebuild, alter, or add to, any structure within the area of the rights-of-way as shown on the Map without first notifying the Wisconsin Department of Transportation by registered mail 60 days prior to the contemplated construction. When the right-of-way is acquired, no damages shall be allowed for any construction, alterations or additions in violation of this notification requirement. As of the date of this recording, the address for the appropriate office of the Department of Transportation is given above.

Pursuant to Wis. Stat. 84.295(10) (c), any lands within the Map may be acquired by the State or the county or municipality, in which the lands are located.

Pursuant to Wis. Stat. 84.295(10)(a), notice of this action and recording shall be published as a Class 1 notice under Ch. 985 in each affected county, and notice by registered or certified mail (s.990.001(13) Wis. Stats.) shall be served on the owners of affected lands

Wisconsin Department of Transportation

(Authorized Representative (Date)
Signature)

(Print Name)

Project ID	This document need not be notarized as per Wis. Stat.706.001 (2)(a). This instrument was drafted by theWisconsin Department of Transportation	County
------------	---	--------

Schedule of Property
Project ID 1051-01-00
IH 94 – Chippewa Falls Road
STH 29 Chippewa County

CTH K Interchange

<u>TAX KEY #</u>	<u>PREFIX #</u>	<u>LAND DIVISION</u>	<u>QUARTER SECTION</u>	<u>PROPERTY OWNER</u>
SE QUADRANT OF INTERCHANGE				
048-000	004-04-22-30		SW ¼ SEC 30 T4NR22E	Kenneth /Rhodina Nicholson
049-000				Todd Fornes
084-000				Harvey K Funk/Post 494
035-000				Thomas Hribar
034-000				Leroy /Lavern Behrens
031-000				Patricia Michel
029-000				Patricia Michel
030-001		Lot 2 of CSM Map 1666, V7, P79, Doc. 581158		June M Michel
030-000		Lot 1 of CSM Map 1666, V7, P79, Doc. 581158		Michels Garage Inc.
027-000				June Michel
021-000				Etal/Eric Rasmussen
039-000				Judith Fornes
045-000				Eleanor M Trust George
042-000				Eleanor Trust George
044-000				Rose Buchmann
038-000				Badger Land Company
NE QUADRANT OF INTERCHANGE				
023-001	004-04-22-30		SW ¼ SEC 30 T4NR22E	Charles H Kuiper
070-000				Richard/Gladys Bucholz
022-001				Atlantic Financial Group Inc
022-000				Racine Co/Public Works
020-001			NW ¼ SEC 30 T4NR22E	Charles/Mae Kuiper
019-000				BFD Enterprises
086-000				Wis DOT
NW QUADRANT OF INTERCHANGE				
005-000	012-04-21-25		NE ¼ SEC 25 T4NR21E	Sekao Inc
006-000		Lot 4 of CSM Map 1695, V7, P132, Doc.584228		Corrine Marita
006-002		Lot 6 of CSM Map 1695, V7, P132, Doc.584228		Ronald Zimmerman
004-000				Sekao Inc
SW QUADRANT OF INTERCHANGE				
036-000	012-04-21-25		SE ¼ SEC 25 T4NR21E	Don Roettgers
030-000				Thomas Hribar
035-000				Thomas /Judith King
034-000				Sheila Jorgensen

Notice and Order Establishing Locations and Right-of-Way Widths – Schedule of Property

CTH K Interchange (Con't)

TAX KEY #	PREFIX #	LAND DIVISION	QUARTER SECTION	PROPERTY OWNER
-----------	----------	---------------	-----------------	----------------

SW QUADRANT OF INTERCHANGE (con't)

037-000				Robert Lund
039-000				Kendall/Catherine McCann
040-000				Richard/Debra Baumann
038-000				Trust Connie Dremel
029-010				Trust Scott Miles
029-020				Trust Scott Miles
031-001				Cal Dykstra Equipment Co
032-000				Gilbert/Audrey Hagemann
031-000				Franklin/Sharon Welch

Notice and Order Establishing Locations and Right-of-Way Widths – Schedule of Property

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

MAP OF FUTURE RIGHT-OF-WAY FOR DESIGNATED FREEWAY

THORP TO ABBOTSFORD

BRUCE MOUND AVENUE TO EAST COUNTY LINE

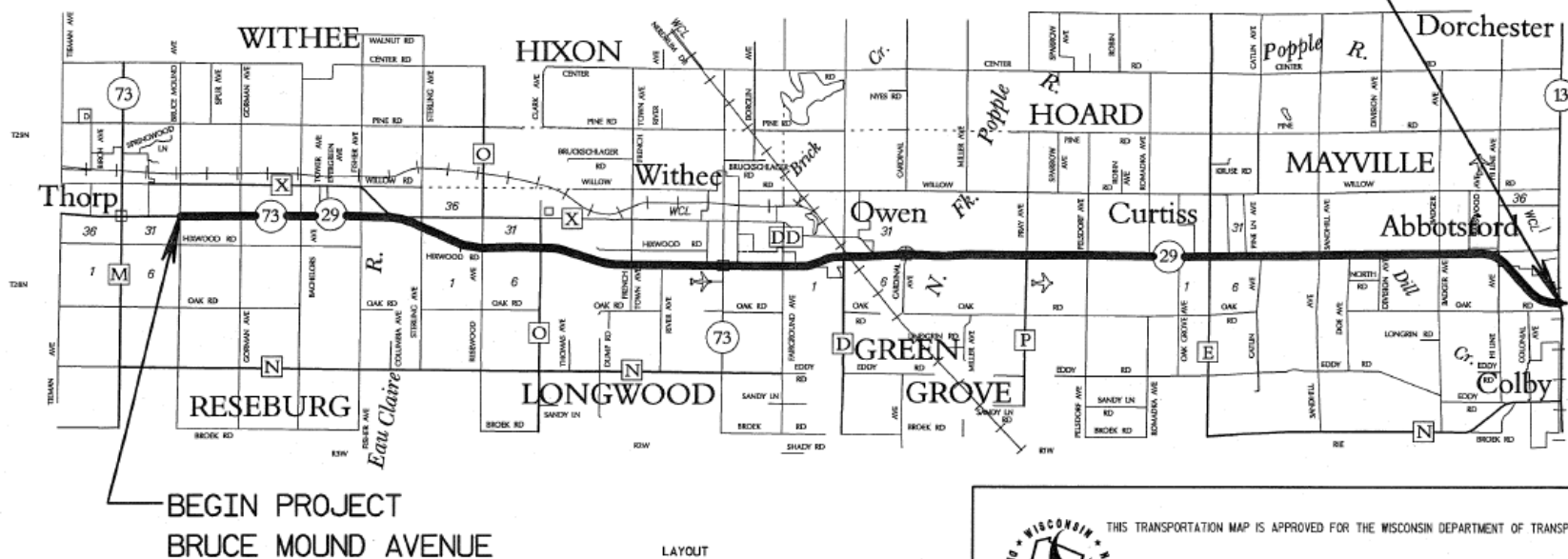
STH 29

CLARK COUNTY

STATE PROJECT NUMBER
1051-01-04



END PROJECT
EAST COUNTY
LINE



LAYOUT
SCALE 0 1 MI.

TOTAL NET LENGTH OF CENTERLINE = 23.24 MILES



THIS TRANSPORTATION MAP IS APPROVED FOR THE WISCONSIN DEPARTMENT OF TRANSPORTATION.

DATE: _____

Name
Title

E

FILE NAME : S:\MAD\1060--1099\1089\189\Map\Plan\Title sheet BY SA CLARK.dgn

PLOT DATE : 8/13/2010

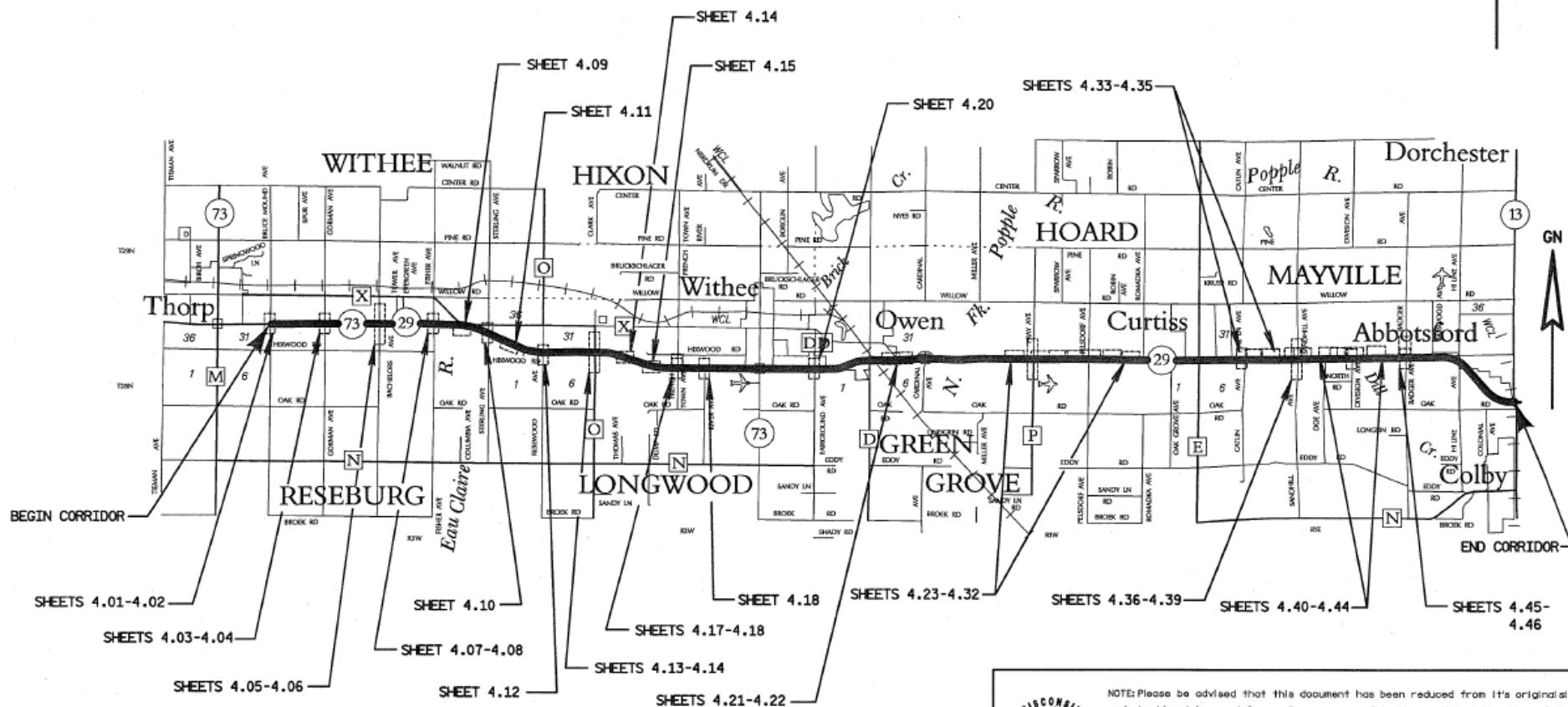
PLOT BY : J. L. MOORE

PLOT NAME :

PLOT SCALE : 1/4" = 100' (1/4" = 100')

WISDOT/CADDIS SHEET 23

OVERVIEW MAP OF ESTABLISHED LOCATIONS AND RIGHT OF WAY WIDTHS FOR FUTURE FREEWAY
SECTION 84.295 (10) WISCONSIN STATE STATUTES. PROJECT NO: 1051-01-04
S.T.H. 29 CLARK COUNTY



NOTE: Please be advised that this document has been reduced from its original size and should not be used for scaling purposes. Only the spatial relationships of the illustrations on the Map are being presented for your information, some text may not be legible at this reduced size. A larger version of this Map or additional information about this Map may be obtained by contacting the Wisconsin Department of Transportation (WisDOT). The phone number and address of the WisDOT can be obtained by contacting the County Highway Department.

FILE NAME : S:\WAD\1000--1099\1089\1089\Map\DETAIL SHEET CLARK.dgn

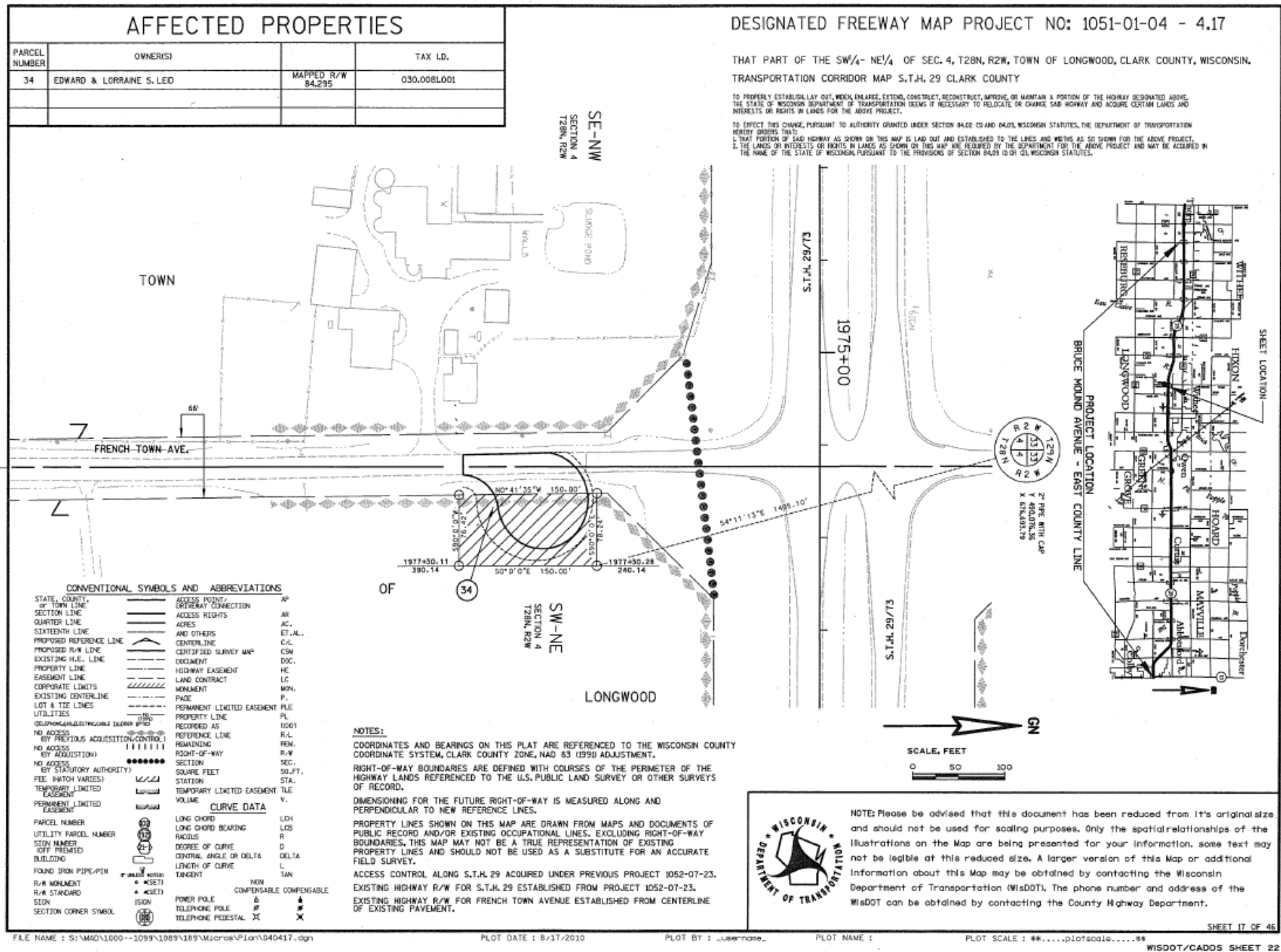
PLOT DATE : 8/13/2010

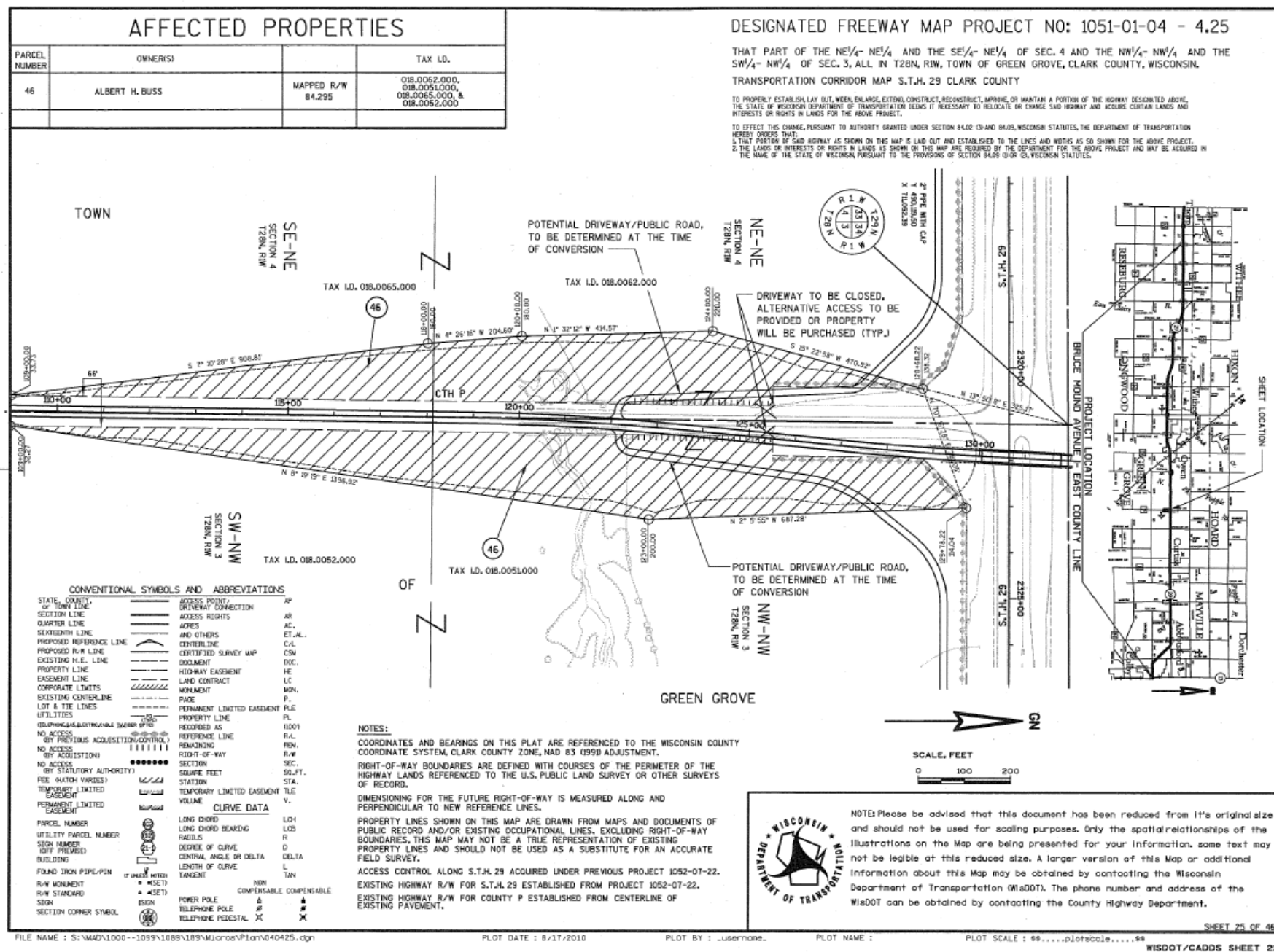
PLOT BY : lukemore

PLOT NAME :

PLOT SCALE : 1/4"=100'

WISDOT/CADD SHEET 23





Document Number**DESIGNATED FREEWAY MAP**

Wisconsin Department of Transportation

DT2203 2005 s.84.295(10) Wis. Stats.

The Wisconsin Department of Transportation, pursuant to the provisions of s.84.295(10) Wis. Stats., approved the attached Map on February 14, 2005, establishing the needed rights-of-way to preserve real estate for future construction or conversion of STH 29 as a freeway and to prevent conflicting costly economic development on areas of the lands to be available as rights-of-way when needed for future construction.

The approved Map shows the location of the planned freeway and the approximate widths of the rights-of-way. The Map also shows the existing highways, the property lines and record owners of lands needed. The Map is related to department project ID 1051-01-02, Elk Mound - Chippewa Falls Road, IH 94 - CTH T.

This space is reserved for recording data

Return to

Jeff Abboud

Wisconsin DOT Eau Claire Office

718 W Clairemont Ave

Eau Claire, WI 54701

The Department of Transportation designated this section of highway as a freeway by the Finding, Determination, and Order recorded as Document #519434 in the Dunn County Deeds Registry.

The lands affected by the Map are listed in their respective towns and sections, in a direction from West to East as follows:

(1) Town of Elk Mound, Township 28 North, Range 11 West.

- a. Section 28 – NW $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$
- b. Section 21 – SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, NE $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ - NE $\frac{1}{4}$
- c. Section 22 – SW $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SW $\frac{1}{4}$, NE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, SW $\frac{1}{4}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$, NW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
- d. Section 15 – SE $\frac{1}{4}$ -SE $\frac{1}{4}$
- e. Section 23 – NW $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
- f. Section 14 – SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$
- g. Section 24 – NW $\frac{1}{4}$ -NW $\frac{1}{4}$, NE $\frac{1}{4}$ -NW $\frac{1}{4}$, NW $\frac{1}{4}$ -NE $\frac{1}{4}$, NE $\frac{1}{4}$ -NE $\frac{1}{4}$
- h. Section 13 – SW $\frac{1}{4}$ -SW $\frac{1}{4}$, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$

A larger copy of this Map or additional information about this Map may be obtained by contacting the Wisconsin Department of Transportation (DOT). The telephone number and address of the nearest DOT office may be obtained by contacting the County Highway department.

Wisconsin Department of Transportation

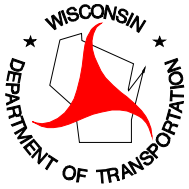
(Authorized Representative Signature)

(Date)

Thomas Beekman

(Print Name)

Project ID	This document need not be notarized as per s.706.001(2)(a) Wis. Stats.	County
1051-01-02	This instrument was drafted by the Wisconsin Department of Transportation.	Dunn



Wisconsin Department of Transportation

NW TRANSPORTATION REGION OFFICE

718 West Clairemont Avenue

Eau Claire, WI 54701-5108

Telephone (715) 836-2891

March 14, 2005

Subject: Notice of Recording of Designated Freeway Map

STH 29

IH 94 – CTH T

Dunn & Chippewa Counties

State Trunk Highway (STH) 29 from the Interstate Highway 94 interchange in Dunn County, to the new Chippewa County Trunk Highway (CTH) T interchange in Chippewa County was designated a Freeway under State Statute 84.295 by the Wisconsin Department of Transportation on December 14, 2004. The Finding, Determination and Orders designating this segment of the highway as a Freeway were recorded in the Register of Deeds offices of both Chippewa and Dunn County on January 5, 2005.

A Designated Freeway Map was recorded on February 10, 2005, in Chippewa and Dunn Counties showing the future rights-of-way needed to convert the highway to a Freeway. Following the recording of the Designated Freeway Map, a document titled "Notice and Order Establishing Locations and Right-Of-Way Widths" is now being recorded against those specific properties that are directly affected by the mapping of the future right-of-way needs. Your property happens to be one of those that are directly affected by the Map.

Enclosed, for your records, is a copy of the "Notice and Order Establishing Locations and Right-Of-Way Widths" document that is being recorded against your property. Also enclosed is a copy or copies of the pages from the recorded Designated Freeway Map showing the future right-of-way needed (highlighted in yellow) from your property for the actual physical conversion of STH 29 to a Freeway.

Please note the fourth paragraph of the enclosed Notice, which states that no one shall erect, move in, rebuild, alter or add to, any structure within the area of the rights-of-way as shown on the Map without first notifying the Wisconsin Department of Transportation by registered mail 60 days prior to the contemplated construction, as required by s.84.295(10)(b) Wis. Stats. Such notice shall be made to the Department of Transportation Regional Office in Eau Claire, Wisconsin. Should you have any questions about notifying the Department or general questions concerning future right-of-way purchases for the Freeway conversion, please contact the Eau Claire Office Real Estate Section at **715-836-4517**.

continued...

The Department does not anticipate the need to physically convert STH 29 to a Freeway for another 10 to 15 or more years. However, due to a safety or operational issue at any specific intersection, it may become necessary to acquire right-of-way earlier than anticipated and construct the needed improvement. Regardless of when that right-of-way is purchased by the Department, the amount paid will be based upon the current market value at the time of purchase.

Sincerely,

Jeff Abboud
Project Manager
STH 29 Freeway Designation and Conversion

Enc. Copy - Notice and Order Establishing Locations and Right-of-Way Widths
Copy – Designated Freeway Map page(s)

Document Number
PARTIAL RELEASE FROM ORDER ESTABLISHING LOCATIONS AND
RIGHT-OF-WAY WIDTHS FOR FUTURE FREEWAYS OR
EXPRESSWAYS

Wisconsin Department of Transportation

DT1576 3/2007 s.84.295(10) Wis. Stats.

The State of Wisconsin, Department of Transportation, pursuant to s.84.295(10), Wis. Stats., established a corridor to preserve real estate for future construction of a freeway or expressway and to prevent conflicting costly economic development on areas of lands to be available as rights-of-way when needed for future construction.

The corridor and lands affected by the order are shown on the Designated Freeway Map recorded in the office of the Register of Deeds for Dane County, as Document 146798 on March 6, 1995 and are legally described in the Notice and Order Establishing Locations and Right-of-Way Widths dated January 24, 1995 and recorded in the office of the Dane County Register of Deeds as Document 105698.

Elijah Craig ("owner") has applied to the department for release of that portion of owner's property which the department anticipates will not be affected by the corridor or project.

The property to be released is more particularly described as:

Lot 42 of Heavenly Hills Subdivision, Village of McFarland, Dane County

The department has determined that its proposed project will not impact the lands owner desires to be released from the building restrictions adopted by the department under s.84.295(10), Wis. Stats.

The Wisconsin Department of Transportation does release and discharge the above described lands from the effect of that Designated Freeway Map dated March 6, 1995 and the Notice and Order Establishing Locations and Right-of-Way Widths dated January 24, 1995.

By this instrument, the Department does not release any other lands from the effect of the said Designated Freeway Map or the said Notice and Order Establishing Locations and Right-of-Way Widths. In particular, all other described lands of the owner remain subject to the provisions of s.84.295, Wis. Stats., including, but not limited to, the following described real estate:

Lots 40, 41, 43, 44 and 45 of Heavenly Hills Subdivision, Village of McFarland, Dane County, and all lands in the SE1/4 of Section 24, Town 6 North, Range 8 East in Dane County.

This space is reserved for recording data

Return to

Payton Morse

WisDOT SW Region-Madison Office

2101 Wright Street

Parcel Identification Number/Tax Key Number

1450222-11-1076

Wisconsin Department of Transportation

(Date)

State of Wisconsin)
) ss.

On the above date, this instrument was acknowledged before me by the named person(s). (SEAL)

(Authorized Representative Signature)

(Signature, Notary Public, State of Wisconsin)

Ezra Brooks
(Print or Type Name, Notary Public, State of Wisconsin)

August 6, 2010
(Date Commission Expires)

Project ID		County
1234-05-02	This instrument was drafted by the Wisconsin Department of Transportation.	Dane

NOTICE OF INTENT TO DESIGNATE (NOITD) WIS. STAT. 84.295

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
NOTICE OF INTENT TO DESIGNATE
AS A <FREEWAY/EXPRESSWAY>
<UNITED STATES/STATE TRUNK> HIGHWAY <USH/STH> <Number>
<Name> COUNTY**

1. Introduction

The Wisconsin Department of Transportation (DEPARTMENT) has proposed to designate as a <freeway/expressway> a part of the State Trunk Highway System in the <City/Town> in <County> whereby a segment <USH/STH> <Number> will be so designated.

2. Statutory Authority of State Highway Change

All determinations for the designation herein and hereafter described are made in accordance with Section 84.295 of the Wisconsin State Statutes whereby the DEPARTMENT is proposing to designate a highway as an <expressway/freeway>.

**3. Determination and Description of Highway Segment to be Designated as
<Freeway/Expressway>**

The DEPARTMENT hereby notifies local municipalities and the general public of its proposed intent to designate portion of the state highway system as a <freeway/expressway> described as follows:

<USH/STH> <highway number>

Beginning at <insert description> and with a terminus of <termini location and description of segment to ending termini> in the <town/municipality><county>, WI. Said segment is depicted on **Attachment 1**. <Attach map/drawing>

The segment length of this designation is <length in miles to nearest one hundredth>.



FDM 7-50-1 Overview

May 17, 2022

The department has authority under Ch. 236, Stats., to participate in the subdivision platting processes for certain lands. This chapter of the manual discusses the exercise of the department's police power authority in the subdivision platting process, and the administrative rule related to that process, Ch. Trans 233. Understanding the recent history of that chapter of the administrative code is essential to understanding why the Department applies the provisions of the rule promulgated prior to 1999 rather than the current printed text of the rule.

In the late 1990s, WisDOT rewrote Ch. TRANS 233 to provide that WisDOT would extend its plat review authority to Certified Survey Maps, condominium plats, and other types of land divisions. The new chapter was promulgated effective February 1, 1999 as [Clearing House Rule CR 98-121](#). WisDOT began applying the newly rewritten rule at that time. A judicial challenge to that new rule followed.

On January 28, 2004, the Dane County circuit court concluded that the version of Trans 233 promulgated as [CR 98-121](#) rule incorrectly assumed WisDOT had authority to regulate land divisions other than subdivisions. The court prohibited WisDOT from applying the rule to certified survey maps (CSMs) and other non-subdivision land divisions. It also concluded that WisDOT could only regulate subdivisions that abut or adjoin a STH. The decision resulted from a strict application and interpretation of then-existing statutory language. As a result of that decision, WisDOT stopped applying the new Trans 233 to CSMs and other non-subdivision land divisions as of January 28, 2004. The decision was affirmed by the court of appeals.¹

Subsequent to that decision, the appellants from that case and 11 others brought another suit against WisDOT and in 2009 that second court invalidated all of the [1999 Clearing House Rule CR 98-121](#) (and some subsequent 2001) rewrite of Ch. Trans 233. That decision "undoes" all of Clearing House Rule CR-98-121, including the repeal of the prior version of Ch. Trans 233. But, despite the court's conclusion that the clearinghouse rule was improperly promulgated and therefore invalid, the Revisor of Statutes has left that rule in the printed administrative code.

Consequently, WisDOT has put the prior rule, which was put back into effect and made enforceable by the second court decision, into the administrative code as a *note* to the printed and invalid CR 98-121 version of the rule with references to the court decisions. WisDOT is not permitted to use the language currently appearing in the printed administrative code but must use the pre-existing code appearing in the note of the rule to comply with the 2009 court ruling. Accordingly, all discussion of Trans 233 requirements in this HMM section refer to that 1956 rulemaking that currently appears as a note to Trans 233 in the administrative code. When the printed administrative code is eventually revised to show only the rule that is in effect, a note to the rule will make that evident.

1.1 Subdivisions

The Department of Administration (DOA) is the state clearinghouse for subdivision plat review. However, a local unit of government (county or municipality) can opt to take on this clearinghouse responsibility itself. All subdivision plats must follow the requirements of TRANS 233 or county/local requirements if they are more restrictive. Surveyors and municipalities submit plats for review and DOA has 20 to 30 days to review each plat for compliance with Chapter 236 of the Wisconsin State Statutes. DOA transmits copies of the plat and a plat information document to all state agencies involved in the review. (The review process is described in chapters 2 and 3 of DOA's Wisconsin Platting Manual.)

The Department of Transportation is an objecting agency for subdivision plat review under the provisions of Chapter 236 of the Wisconsin State Statutes and TRANS 233 of the Wisconsin Administrative Code. WisDOT reviews subdivision plats for their impact upon the existing or planned state trunk highway system and their conformance to statute 82.50 (Town Road Standards). The department either certifies that it has no objection or lists its objections for each plat submitted for review, including non-abutting plats. A letter of comment must be transmitted to DOA within 20 days of receiving the plat, unless a time extension has been negotiated by the surveyor and DOA. The letter of comment must also be sent to the landowner, surveyor, municipality, and

¹ *Wisconsin Builders Assn v. Wisconsin Dept of Transp.*, 2005 WI App 160, 285 Wis. 2d 472, 702 N.W.2d 433, 2005 WL 1404983.

county if appropriate. The official authority within the department is the Administrator of the Division of Transportation Infrastructure Development who has delegated this authority to the BHD Director. WisDOT maintains files on its response to all the plats reviewed.

WisDOT receives two copies of all abutting plats and one copy of all non-abutting plats. They are accompanied by a "green sheet" which provides basic information about the plat. WisDOT also receives weekly plat review status lists indicating the dates by which reviews must be completed. The department has 20 days to either certify the plat or list objections. DOA and the surveyor may negotiate extensions of the review time and DOA will advise all review agencies of any extensions that have been granted. Once the plat has been certified, DOA sends copies to WisDOT. When the plat has been recorded with the appropriate county, WisDOT receives a copy of the recording data (e.g., date, volume, page, document number) from DOA.

Restrictions imposed for the public benefit on a subdivision plat create an unusual set of enforcement rights for WisDOT. Section 236.293 provides WisDOT with enforcement rights similar to those a property owner in the subdivision would have to enforce the subdivision's mutual restrictions against other landowners in that subdivision. Unlike real estate covenants that WisDOT acquires through the acquisition of real property, which may only be modified by recorded instrument, s. 236.293 allows WisDOT to release or waive plat restrictions imposed under Ch. 236 by a simple written waiver. Although the statutes do not require using a recordable instrument to waive WisDOT enforcement rights, DTSD policy is to use a correction instrument that conforms to the Department of Administration's [Wisconsin Platting Manual](#) (page 283), which requires using a document that can be recorded.

Requiring those formalities provides some protection from inadvertent waiver of those rights. WisDOT policy is that only the BTS Director or the Secretary may waive subdivision restrictions. If asked, inform customers that access coordinators do not have authority to waive Ch. 236 restrictions. Carefully communicate with customers when using email or letters to not inadvertently provide the impression that WisDOT will waive Ch. 236 restrictions. Seek OGC assistance for help sorting through issues related to inquiries about subdivision plat restrictions, waiver of those restrictions, and the format for waiver documents.

1.2 Other Land Divisions

As discussed in the Overview to this chapter, in the late 1990s, WisDOT rewrote Ch. TRANS 233 to provide that WisDOT would extend its plat review authority for to Certified Survey Maps, condominium plats, or any and other types of land divisions. That rulemaking was determined to have been improperly completed and beyond WisDOT's statutory authority in two separate cases. Consequently, WisDOT is releasing some restrictions imposed on CSMs and other non-subdivision land divisions upon request. This section will discuss when such action is appropriate the mechanisms for accomplishing that end.

Restrictions imposed upon CSMs, on land divisions not abutting a STH, or on other non-subdivision land divisions, under the invalidated 1999 rule may be rescinded of record upon request to WisDOT. Correction instruments titled "Recission of Trans 233 Restriction" are prepared in recordable form and are supported by resolutions of the affected local town or municipality and county government that are referenced in the document for recording.

FDM 7-50-5 Abutting Subdivision Plats

May 17, 2022

Protecting the investment in Wisconsin's highways requires a pro-active approach to prevent future problems. Orderly and planned development is one of the goals of Administrative Rule Trans. 233. The abutting land division reviews required by Trans. 233 are a fundamental part of planning for the future and maintaining the safety and efficiency of our transportation system.

An abutting subdivision plat for land that is contiguous to the state trunk highway (STH) system is subject to Ch. Trans 233 review. Subdivisions which do not directly abut the STH system are considered abutting if the intervening property is owned by one or more of the persons who own the land being subdivided. Subdivisions which abut or cross proposed STH corridors are also considered to be abutting.

5.1 Subdivision Review Process

[currently under revision – see WisDOT regional office for details]

The land division is submitted to the Department of Transportation district office for the district in which the subdivision is located. Each district is responsible for reviewing subdivisions and certifying compliance with Trans. 233. The district must review the right-of-way shown to determine that it corresponds to their current right-of-way plat, local or county zoned width, and any future planned right-of-way needs. The district must get a dedication of right-of-way (fee title) for the existing and/or zoned right-of-way width. The future right-of-way needs should also be dedicated in the final plat. The department must not be in the position of making the new development nonconforming with future right-of-way acquisitions for planned or programmed projects.

[Attachment 5.1](#) is a checklist to assist the district in the review of the proposed subdivision plat. [Attachment 5.2](#) gives guidance on the implementation of Trans. 233. The guidance is organized according to the sections of the rule. For example, to find guidance on setback requirements and restrictions, go to section 233.08 of [Attachment 5.2](#).

After reviewing the proposed subdivision plat, the District Land Division Reviewer prepares a letter of certification or objection, forwards it to the approving agency and sends copies to the surveyor, owner, municipal clerks, county zoning agency, the Department of Administration, DOA (for subdivisions), and the central office Access Management Coordinator. That letter must include:

- The plat name, location and DOA permanent file number.
- A clear, concise description of any objections, including statute and administrative code references where possible.
- A specification of any additional material that must be submitted for review or executed prior to certification.
- If there are no objections, the letter should certify that the department has no objections to the plat as submitted.

In some cases, the developer submits both a preliminary and final plat. If so, this process is followed for each.

5.1.1 TRANS. 233 Effect on Sec. 84.09 Projects -Purchased Access Control

Access restrictions that were purchased under s. 84.09 may be modified during a Trans. 233 review if it is deemed necessary for safety or operational reasons. Because it is the property owner's action that is proposing the change, changes to access for the property, such as the removal or relocation of any existing access is not compensable. See [FDM 7-20-5](#) for more information on altering access acquired under s. 84.09. A conveyance reflecting any changes in the previously recorded purchased access control document should be drafted, executed and recorded.

5.1.2 TRANS. 233 Effect on Sec. 84.25 Projects -Administrative Access Control

Trans. 233 does not eliminate the need to use 84.25 controls on particular segments of highways. Trans 233 vests the Department with enforcement rights on private lands that are part of a subdivision plat and are therefore location-specific. Section 84.25 provides police-power access control over an entire corridor or highway segment.

Existing 84.25 projects must be updated if access is modified under a Trans. 233 review, or if an existing access point is revoked. See [FDM 7-15-5](#) for more information on altering access obtained on 84.25 projects.

5.1.3 Traffic Generation Analysis

The region must consider the traffic generation impact of the proposed land division on the existing state trunk highway system. When there is concern over traffic congestion and in all cases where a new traffic signal would be required, the developer shall have a Traffic Impact Analysis (TIA) prepared by a licensed professional engineer for the total development at full build out. (See [FDM 7-35-10](#) for a more detailed discussion of TIAs.) The completed TIA should be reviewed by the region for accuracy. All highway improvements needed will be made under a permit issued to the municipality with the developer or municipality bearing all the cost.

5.2 Modifications to Existing Land Divisions

A more formal process is required for modifying DOT restrictions on plats that have been certified by WisDOT, approved by the local government and recorded at the register of deeds. Some modifications require a formal variance; others do not.

1. The region receives the plat modification request from the developer, reviews it and makes a recommendation as to whether it should be approved (again considering whether or not it would have an adverse effect on the traveling public).
2. Both the request and recommendation are forwarded to the BHD Director, to the attention of the Statewide Access Management Engineer.
3. Central office then reviews the request and recommendation and indicates whether or not it should be supported by WisDOT.
4. If WisDOT supports the request, the petitioner must go to the local government which approved the plat (or now has jurisdiction over that geographic area) and request support for the change.
5. Local support for the modification takes the form of a resolution passed by the local governing body. This could be a town board, village board, city council, county board, or a zoning/planning

committee. The resolution must describe the land division and its location, outline the modification requested, provide a reason for the change and describe the public notification process used.

6. Anyone wishing to appeal the results of Steps 1-5 above should submit their appeal to the Director of the Bureau of Highway Development.
7. If WisDOT supported the request and the local unit of government resolved to support the requested change to the subdivision plat, WisDOT prepares an Affidavit of Correction ([Attachment 5.2 – under revision](#)) which is signed by the WisDOT BHD Director, notarized and then signed by the local government.
8. WisDOT then records the Affidavit of Correction with the Register of Deeds and sends a copy to the local government and to the Department of Administration - Plat Review Section.

5.3 Assessor's Plats

Assessor's Plats are a unique type of plat authorized by section 70.27 of the Wisconsin Statutes. This statute allows for the governing body to order the creation of a plat when the description of one or more parcels of any platted or unplatted land, owned by two or more persons, has major errors, or uses nonspecific language in the descriptions in such a manner that accurate accounting of the land for assessment, taxation or title purposes is difficult, or where use of metes and bounds descriptions in tax documents is required.

When a district is contacted by a surveyor who is in the process of creating an assessor's plat, the surveyor will generally be requesting right-of-way information. district planning and technical services staff should jointly provide this information.

- Planning - for access and setback information.
- Tech Services - for the correct right-of-way information, i.e., widths, bearings, distances, curves, etc.

Strong efforts should be made to provide the surveyor with the most accurate information available.

When these plats are created, the Department of Administration (DOA) forwards a complimentary copy to the appropriate WisDOT district office. WisDOT can voice concerns to the DOA during their 30-day review period, but WisDOT does not certify or object to the assessor's plat as it does with a subdivision plat. The district must then review it to ensure that the state's right-of-way and other interests, such as access controls, are accurately depicted and described and that town roads are depicted accurately. If the information on the plat is accurate, the district should email that information to the Access Management Coordinator and to the Plat Review Section of DOA.

It is critical that all reservations and restrictions on prior plats be shown on the assessor's plat. The old plat will be deemed vacated by the assessor's plat, so the failure to carry forward restrictions can make rights and restrictions shown in the prior plat unenforceable.

If the information is depicted incorrectly, the district must immediately notify the DOA Plat Review Section, the municipal clerk and the surveyor of the error(s) that must be rectified. Once an Assessor's Plat is recorded, the information on the plat supersedes any previously recorded documents. Therefore, if the interests owned by WisDOT are omitted from the recorded document, WisDOT would no longer have those interests.

5.3.1 Procedure for Processing Assessor's Plats

1. Review plat immediately.
 - Check for accuracy in depiction of right-of-way, access restrictions and setbacks.
 - Check to assure that town roads are accurately depicted.
2. Respond to the Department of Administration, the municipal clerk and the surveyor with WisDOT's concerns.
3. The assessor's plat must conform to ss. 236.15 and 236.20. Section 236.20 requires that exact widths of streets, easements and alleys be shown. If the municipality is willing to make changes to address WisDOT's concerns, the surveyor will then modify the plat.
4. If not then WisDOT will have a 30-day time period in which to bring suit to have the plat corrected. Alert management immediately upon receiving notice of a problem assessor's plat. 30 days is a very short timeframe for bringing an appeal. A DT-36 request for legal services should be promptly forwarded to the general counsel with a request to have the Department of Justice represent the department in the matter.

5.4 File Retention

All relevant documents associated with a land division review must be kept on permanent file. The land division

map or document must be kept permanently, along with any approved special exceptions or modifications.

Once a land division has been approved through the Trans. 233 review process, that approval stands for the life of the land division. Further division would require another Trans. 233 review. This is the same as the rules for Chapter 236.

5.5 Enforcement

When it is discovered that a surveyor, attorney, local municipality or others have apparently disregarded the requirements of Trans. 233 and have recorded a document that is not in compliance with Trans. 233, the department shall take action to correct the situation, and to prevent the situation from occurring again.

The first step shall be to notify the surveyor and land owner that the land division is not in compliance with Trans. 233, and request that the appropriate actions be taken to rectify the situation. This may be an Affidavit of Correction, an amended plat/map, or other corrective action. If the surveyor or land owner is not cooperative, the department will take the following progressive actions until the land division is altered to be in compliance:

1. Notify the County Surveyor
2. Write a letter of complaint to the Wisconsin Society of Land Surveyors, if applicable.
3. File a complaint with the Department of Regulation and Licensing or the Wisconsin Bar Association, if applicable.
4. Notify the District Attorney and request prosecution.

LIST OF ATTACHMENTS

Attachment 5.1	Subdivision Plat Review [under revision]
Attachment 5.2	Trans. 233 Implementation Guidance [under revision]
Attachment 5.3	Drainage Information Checklist for Trans. 233 Land Divisions [under
Attachment 5.4	revision] Drainage Design Summary for Trans. 233 Land Divisions [under

FDM 7-50-10 Non-Abutting Subdivision Plats

November 16, 2004

[currently under revision – see WisDOT regional office for details]

A non-abutting subdivision plat is one which is not contiguous to any existing or proposed state trunk highway (STH).

The Department of Administration (DOA) sends a single copy of non-abutting plats directly to the appropriate WisDOT district. A copy of the "green (information) sheet" is sent to the Access Management Coordinator in the Bureau of Highway Development.

The district must submit its review of all non-abutting plats directly to the DOA, with a copy to the Access Management Coordinator within 20 days of receipt of the plat from the DOA. The 20 calendar days is a statutory requirement. If no comments are provided, the plat will be approved. The DOA prefers to receive a reply even if there are no comments. E-mail transmission of the comments is encouraged.

The district must review all non-abutting plats to see if they impact any official or planned STH routes. If they affect either, they should be reviewed as outlined for abutting plats ([FDM 7-50-5](#)). In that case, the district should immediately notify the Access Management Coordinator who will, in turn, notify the DOA that they are abutting plats. Usually no additional time is allowed for the review.

Plats that do not impact either official routings or planned facilities should be reviewed for compliance with Wisconsin State Statute 82.50 (Town Road Standards). The district must determine if the proposed public streets are in conformance with the statute. Special exceptions to the right-of-way requirements may be granted based upon a local request. This will normally require a time extension. The district should contact the surveyor directly to obtain it. The authority to grant or deny the request is given to the District Director.

District comments for each non-abutting plat should be sent to the Access Management Coordinator. Unless a variance is required, these are retained for one year, then discarded.

15.1 General

The district office receives notices of Planned Unit Developments (PUDs) and zoning changes along the state trunk highway (STH) system. (PUDs are defined in [FDM 7-35-10](#).) The extent to which this takes place is dependent on the district relationship with the municipalities and counties. ([FDM 7-35-10](#) includes a standardized letter for districts to send to local units of government, requesting that the department be given the opportunity to review proposals for developments that would generate significant impacts on state transportation facilities.) Some local units of government have a very minimal review process which may not provide for a timely WisDOT review. Each district has a driveway permit process which may indicate a proposed land use change.

15.2 Planned Unit Developments

Planned unit developments may come to the district office through any section. Developers who have previously dealt with a specific individual may use that person as an initial contact. All sections that have input into large scale developments should be involved in the district's decision.

There should be a thorough review of existing access controls and right-of-way plats. It may be important to involve the local unit of government or regional planning agency to gather appropriate information. Depending on the size of the development, expected traffic volumes and storm water runoff computations may be requested. Access to the STH should be reviewed in the context of full build-out. The district may require the developer to show how this development will fit existing or future local road plans. An access covenant may be the best instrument to control the number and location of access points to the highway. Traffic data should be analyzed to determine the development's impact on highway capacity and safety. (See [FDM 7-35-10](#) for a discussion of Traffic Impact Analyses.)

The developer may be expected to financially participate in necessary highway improvements. Storm water runoff should be detained within the development site to ensure no detrimental effects on cross drain culverts and to minimize pollutants to the highway.

15.3 Zoning Changes

Zoning changes go directly to the district office for review. They are an early notice of changing land use that could adversely affect highway intersections and safety. It is a good time to alert the land owner that a driveway request could lead to a review of any proposed development. The local authorities should be promptly notified if there are expected problems in traffic volumes, storm water runoff, safety, existing access controls or conflicts with any future highway plans. The response may be written or by telephone, depending on the extent of the issue or local preference.

Zoning changes for the purposes of allowing the construction of billboards are inappropriate under Wis. Stat. s. 84.30 and cannot be recognized by the Department under 23 CFR 750.708(b). In the event zoning for this purpose is observed, provide notice to the state billboard control coordinator in the Bureau of Highway Maintenance and coordinate communications regarding objections on that basis with any access-related communications.

15.4 Special Exceptions

Local zoning boards may also inquire about special exceptions for setbacks from state highways. The district office should consider proposed setback changes in light of future highway plans and current setbacks along the route. WisDOT may request that the local unit of government sign a "waiver of damages" which provides that when buying right-of-way for future highway construction, WisDOT would not pay proximity or direct damages to that part of any structure that is within the setback. See [Attachment 5.2](#) for more guidance on special exceptions within land divisions.

Land Division Name _____

File No. _____

LAND DIVISION REVIEW**All Land Divisions**

- Check location of plat in county plat book to determine if it abuts a STH or CTH.

No ±	STH ±	USH ±	CTH ±
------	-------	-------	-------
- Is land ownership contiguous (even though it is not platted) to be the nearest STH? - this makes it abutting.

No ±	STH ±	USH ±	
------	-------	-------	--
- Are there any future highway plans for the area? No ± Year _____
- If plat is in the Township, make sure the street widths conform to town road standards (Wis. Statutes, Sec. 82.50)(66 ft.). DOT may approve variance if all parties approve (1981).

Non-abutting Plats

- If in the township, fill out and send appropriate form to Dept. of Administration and Access Management Coordinator at central office.
- If in city or village, do the same as the above.
- If abutting a CTH, send the appropriate correspondence to the county highway commissioner.

Abutting Land Divisions

Wisconsin Administrative Code, Chapter TRANS 233

- TRANS 233.02 - Basic Principles
 - Is internal street system adequate? Yes ± No ±
 - Is lot layout adequate Yes ± No ±
 ie., not requiring direct access to STH
 - Check Drainage. Post = Pre Not Apparent ± Need Comps ±
 - Vision corners needed? Yes ± No ±
 Speed Limit _____
 Vision Corner dimension ([FDM 11-10 Attachment 5.11](#)) _____
- TRANS 233.04 - Required information
 - Ownership of abutting lands
 - Location Sketch showing nearest roads on all sides of land divisions (if not shown on land divisions). Yes ± No ±
 - Bearing and right-of-way dimensions
 - Do they match DOT plats Yes ± No ±
- TRANS 233.05 - Access to STH
 - Access clause
 - Check for existing access control Okay ± Need ±
- TRANS 233.06 - Frequency of Street Connections

- | | | |
|--|--------|--------|
| a. Minimum distance between roads = 1000' | Okay ± | Need ± |
| Check for other plats and CSM's in the area | | |
| b. Are access points consistent with area plans? | Yes ± | No ± |
| c. Do the streets line up? Is the offset adequate? | Yes ± | No ± |
| 5. TRANS 233.08 - Is the Setback correct? | Yes ± | No ± |
| 6. Is the land division abutting an extremely busy highway? | Yes ± | No ± |
| If so, request that the noise statement be placed on the final plat. | | |
| 7. Write memo making necessary comments concerning land divisions and problems. Send to Access Management Coordinator. | | |

Trans. 233 Implementation Guidance

Applicability (233.012)

Trans. 233.012 Applicability. In accordance with ss. 86.07(2), 236.12, 236.34 and 236.45, Stats., this chapter applies to all land division maps reviewed by a city, village, town or county, the department of administration and the department of transportation. This chapter applies to any land division that is created by plat or map under s. 236.12 or 236.45, Stats., by certified survey map under s. 236.34, Stats., or by condominium plat under s. 703.11, Stats., or other means not provided by statute, and that abuts a state trunk highway, connecting highway or service road.

These two sentences are to be considered as the whole description of items to which the rule applies. Granted, taken alone the first sentence could be taken as all land divisions, but the intent was to apply it only to those which abut a state trunk highway, connecting highways or service roads and, when taken together with the second sentence, it does.

Trans. 233 applies to all lands abutting a state trunk highway, connecting highway or service roads in all 72 counties, except in Milwaukee County. See the table below for more application guidance.

WisDOT Review of Trans. 233 Land Divisions in Milwaukee County

	City of Milwaukee	Other Cities	Unincorporated Areas
STHs			
-Subdivisions	NO (Statutorily Exempt)	YES	NO (Statutorily Exempt)
-Other Land Divisions	NO (by policy)*	YES	NO (by policy)*
Connecting Hwys.			
-Subdivisions	NO (Statutorily Exempt)	YES**	NO (Statutorily Exempt)
-Other Land Divisions	NO (by policy)	YES**	NO (by policy)

* Request that they be sent to WisDOT for conceptual review to preclude problems arising when driveway permits are requested.

** May delegate authority to local unit of government by agreement.

Business Routes

Trans. 233 does not normally apply to a business route. However, it will apply in those few situations where the route is on the STH system (under WisDOT jurisdiction) or has been designated a connecting highway.

The following business routes are part of the STH system:

Business 51 from the junction with USH 51 & STH 54 south of Plover to the junction with USH 51 north of Stevens Point.

Business 51 from the junction of USH 51 South of Rothschild to the junction of USH 51 Northwest of Wausau.

Business 151 from the junction of USH 151 south of Columbus to the junction of USH 151 north of Columbus.

Business 41 in De Pere.

The following business routes are Connecting Highways:

Business 51 in Schofield from the north end of the Eau Claire River Bridge to Moore St.

Business 51 in Stevens Point from Northpoint Drive to 0.36 mile southeast of Nebel St.

Business 51 in Wausau from Randolph St. to Moore St.

Business 12 in Baraboo is also STH 123 from Parkway to 8th Avenue (STH 33)

Future STH Routes

Trans. 233 does apply to future STH corridors. It has long been a departmental policy to review subdivisions along officially designated future STH corridors. The Plat Review Section of the Department of Administration (DOA) has sent subdivision plats to the WisDOT as abutting plats which only touch proposed STH corridors and no other STH. For highway corridors which have utilized 84.295, any property adjacent to the officially mapped location requires a Trans. 233 review when a land division occurs. For other highway corridors on relocation, once a relocation order has been approved for a highway project the right of way corridor is sufficiently defined that a Trans. 233 review can be done on the adjacent land divisions. This may mean acquiring the needed right of way on a fast track to accommodate the needs of the land owner.

When the department has a signed agreement with a county or local unit of government for the jurisdictional transfer of a highway, the WisDOT has an interest in that future STH even though the transfer has not yet occurred. In those cases the county and the district should work together regarding the access to that highway. This state-local cooperation also applies to officially mapped corridors and corridors for which there is an approved environmental document showing the selected corridor.

STH Routes Being Transferred to Local Jurisdiction

This also works in reverse for highways reverting to local jurisdictions. We should consider the local government's wishes and potentially grant special exceptions when the locals have no problem with a situation which we would normally not allow.

Indian Lands

Trans. 233 does apply to Indian Lands. The department needs to protect our investment in the highway, which is a public resource that benefits all people. The department also needs to maintain the safety of the highway. Lands adjacent to the highway must conform to the rules and regulations regardless of the ownership status of those lands. The department should process all land divisions the same way.

If a tribe objects to the Trans. 233 process, the district should arrange a meeting with the tribe, the district, and the FHWA. The safety of the traveling public, and the protection of the public investment in the highway are the primary concepts that apply.

Land Divisions Recorded Prior to February 1, 1999

Revised Trans. 233 applies only to land divisions recorded after February 1, 1999. It does not apply to any land divisions adjacent to STHs that were in place prior to that date.

Anything recorded after February 1, 1999 must undergo the WisDOT review even if it is part of a development that was under consideration prior to the revised rule. Subsequent development phases are not exempt. Later phases may be subject to more restrictions than phases recorded prior to February 1, 1999. That is not sufficient grounds for a special exception. Those prior phases will not be subject to additional restrictions, unless it is re-divided.

The date of the recording of the document used for a land division is used to determine applicability. If the document was recorded prior to February 1, 1999, but the sale doesn't take place until some time after that, TRANS 233 would not apply. It is not the sale date, but the recording date that governs.

Sale of Excess WisDOT Parcels

WisDOT requires a person purchasing excess lands to have a Certified Survey Map (CSM) done as part of the sale process. This CSM does not have to go through the full Trans.233 review process, however, the Trans. 233 restrictions (such as setback, vision corners, access controls, etc.) must be placed on the land prior to its sale. In effect, we are placing the restrictions on the property prior to creating the land division. Once the proper restrictions are placed on the deed and the CSM, the surveyor will be given a WisDOT Number to place on the CSM, but there will be no fee charged. If needed, grant a Special Exception to allow any exceptions to the rule, such as access to the highway. **It is important that any exceptions to the rule be documented via Special Exception paperwork.**

There is an exception to this exemption from the fee. The waiver of fees applies only to the land that is being sold by WisDOT. If the CSM includes other lands it would be considered an assemblage and would not be exempt from the full review process and a fee shall be charged.

Waiver of Applicability

There are some situations where the Trans. 233 review can be waived. When this occurs, a letter should be sent to the property owner/surveyor and the County Register of Deeds, stating that the WisDOT Trans. 233 review has been waived, and indicating why the waiver has been made. Waivers are appropriate in the following situations:

Development of a parcel if no land division takes place. Trans. 233 review is triggered by land divisions, not development without a land division.

The sale or exchange of lands of abutting owners where no new parcels are created (i.e., where the property line is shifted), unless such a transaction involves a change of access to a STH.

CSM's in a subdivision that was reviewed under Trans. 233 and there are no changes of use or access, only a redefinition of lot boundaries.

If there is only an easement that abuts the highway, and the actual land division is removed from the highway with the property owners having no interest in the underlying property that is abutting other than the easement.

Technical land divisions (see Trans. 233.015(7m)).

Definitions (233.015)

Access Point - A point that allows access to a highway. It may take the form of a driveway, street, road, alley, special crossing or highway.

Assessor's plat See Chapter 70.27(1) stats

Commercial Driveway - A driveway to a commercial building or business.

Condominium See Chapter 703.02(4) stats.

County, Town or Municipal Plats Local governments may have ordinances that are more restrictive than Chapter 236. If so, they do not have to submit plats to the DOA Plat Review Section, but they have to ensure that the plats comply with Chapter 236. Plats created in counties, towns or municipalities that have more restrictive ordinances are referred to as county, town or municipal plats, whichever term is appropriate. See Chapter 236.45(2) stats.

Divided highway See Chapter 340.01(15) stats.

Easement A non-possessing interest held by one person in land of another person whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of the easement holder's rights. Easements fall into three broad classifications: surface easements, subsurface easements, and overhead easements. "Real Estate Appraisal Terminology" by Byrl N. Boyce 1975

Field Entrance - A driveway to a farm field. For agricultural vehicles only.

Highway See Chapter 340.01(22) stats.

Lease - A written document by which the rights of use and occupancy of land and/or structures are transferred by the owner to another person or entity for a specified period of time in return for a specified rental. "Real Estate Appraisal Terminology" by Byrl N. Boyce 1975

Private road or driveway See Chapter 340.01(46) stats.

Roadway See Chapter 340.01(54)

Service road See Chapter 340.01(57m) stats.

State trunk highway See Chapter 340.01(60) stats.

Street See Chapter 340.01(64) stats.

Special crossing permits See Chapter 84.25(7) stats..

Subdivision See Chapter 236.02(12) stats.

Other Abutments (233.017)

When a parcel is described to a section line and there is a small strip of land, often with no identifiable owner, between the highway right of way line and the section line, (generally because the original highway was thought to be on the section line) this is considered to be an abutting property, even though in actuality it does not abut. The original intention was for it to be an abutting property, but more accurate survey techniques have resulted in a gap.

Basic Principles (233.02)

Principle #1 allows the department to require a Traffic Study when there is a question about the safety of access to a development, and/or the impact of the development on the function or operation of the highway. It also allows the department to control access on side roads to provide for the safe operation of the intersection.

Principle #2 requires the use of existing cross streets or highways, or the creation of an internal road system, so that individual lots or parcels do not require direct vehicular access to a state trunk highway or connecting highway.

Principle #3 requires the reviewer to consider the land division's relationship to the access requirements of adjacent and contiguous lands. This allows the department to require the divider to provide a means of connecting to the lands that abut the land division. When public streets or private roads are providing access to lands within a land division, those streets or roads should allow the potential to connect to adjacent and contiguous existing or future land divisions. A person should not be required to drive out onto the highway for a short distance to go to a property in the adjacent land division. Also, small land divisions should be reviewed for the feasibility of providing shared access to the highway, possibly through access easements or a shared driveway.

The size and density of the development should be considered when determining whether to require access to adjacent lands. The reviewer should look at the spacing of access points to the adjacent properties. Is there an opportunity to reduce the number of access points in the future by providing for cross access now? If the local government has a long range plan, does it suggest cross access to the adjacent properties? If it does, make

sure that such connections are provided for in the land division. If the local plan does not suggest cross access, does the access that the plan recommends comply with DOT's spacing guidelines?

If adjacent lands have already been developed without providing for cross access, it may not make sense to require it now. However, there are times when it does make sense, such as in areas where redevelopment is occurring. Some topographic conditions or DNR protected areas may make it difficult or unreasonable to provide access to adjacent lands. Consult with the central office Access Management Coordinator if there are questions regarding the provision of access to adjacent lands.

Review Procedures (233.03)

Time Constraints

Within 5 working days of receipt of land division documents the district will review the land division request and determine if it is complete. If items are missing, the district will notify the submitter in writing specifying the information that is needed to complete the request. On the date the additional information is requested the time period for review ceases to run, but resumes upon receipt of the information.

Within 20 calendar days of receipt of land division documents, the district shall do one of the following for either a preliminary or final submittal:

Determine that the land division is a technical land division. If so, a non-objection letter should be written and all fees shall be refunded, OR,

Write an objection or non-objection letter.

If the department fails to act within the time limit, the department shall be considered to have no objection to the land division.

There is no time limit on conceptual reviews, but per 233.03(5)(b), the department shall endeavor to complete a conceptual review within 30 calendar days.

If a special exception with a time extension is requested, the decision on the request shall be completed within 60 calendar days. Only the land divider can provide a time extension. If the land divider does not grant a time extension and the determination on the special exception cannot be completed within the original 20 day review period, the district must object to the land division because it is not in compliance with Trans. 233.

The check must be processed (sent to the Bureau of Financial Services) or returned to the submitter within 5 work days of receipt by the department.

Review Procedures for Each Type of Land Division

WisDOT encourages efforts to resolve differences that would require filing a formal objection to a plat. Districts should contact the land divider or their agent concerning any comments that would result in WisDOT's objecting to the plat to see if the land divider would be willing to make changes or supply additional information that would eliminate the objection. If the land divider is agreeable, they should provide WisDOT the information requested and/or a time extension when necessary. Additional extensions can be requested if needed.

Conceptual Reviews (any kind of land division)

A conceptual review is encouraged for any kind of land division. This gives the divider an opportunity to understand the requirements of Trans. 233 which may affect what they plan to do with their property. There are no time limits on a conceptual review, but they should be processed as quickly as possible in order to encourage the use of this type of review. The goal, as stated in Trans. 233.03(5)(b), should be to complete a conceptual review within 30 calendar days.

At this stage, the divider will learn, at least in general terms, what access the department is willing to consider for the land. This allows the divider to look at different options before too much time and money is spent developing plans for the area. Drainage retention requirements, setback areas, and access restrictions all impact the design for the land. Knowing these restrictions early in the process can result in a more efficient and economical design.

A conceptual review does not require a formal response. Our comments and concerns can be relayed to the divider by a phone call, face-to-face meeting, faxed notes, e-mail, or letter. Because the level of detail is probably not good at this point, the conceptual comments may take the form of a checklist, noting the various items that the divider will have to consider. It is recommended that the response be documented and kept in the district files. This can avoid future misunderstandings.

Special exceptions cannot be applied for or granted during the conceptual review stage.

Preliminary and Final Reviews - Subdivision Plats

DOA sends copies of the plats and the checks to the districts. DOA sends out a weekly WisDOT Work List of subdivision plats. Each list is accompanied by a cover sheet which states that if you have not received a copy of the plat you should contact them and request one.

The district processes the check and reviews the subdivision.

If the subdivision meets all requirements the district writes a **certification of non-objection letter** and sends it to DOA, with copies sent to the central office Access Management Coordinator, the surveyor, and all other review authorities.

If additional information or revisions are needed, the district contacts the surveyor and requests the changes or additional information. A time extension is also requested so that the surveyor can have time to make the changes as requested. The district contacts the surveyor by phone, and follows up by faxing the request.

If the revision, additional information, or time extension is not received by the time the review period expires, the district writes an **objection letter**. This letter must be dated and mailed before the review period expires.

For preliminary submittals, if all the required information is received, and the revisions needed are minor in nature and will not affect the layout of the subdivision, the district may issue a **conditional certification letter** which lists the items that must be changed on the final plat. A conditional certification letter cannot be written for a final plat.

Preliminary and Final Reviews - County Plats and Condo Plats

The submitter sends the plat to the district with a check.

The district processes the check and reviews the plat.

If the plat meets all requirements the district writes a certification of non-objection letter and sends it to the approving authority with copies sent to the central office Access Management Coordinator, the surveyor, and all other review authorities. For final submittals, the district issues a DOT number which is included in the certification letter. DOT numbers should not be issued for preliminary submittals.

If additional information or revisions are needed, the district contacts the submitter and requests the changes or additional information. A time extension is also requested so that the submitter can have time to make the changes as requested. The district contacts the submitter by phone, and follows up by faxing the request.

If the revision, additional information, or time extension is not received by the time the review period expires, the district writes an objection letter. This letter must be dated and mailed before the review period expires.

For preliminary submittals, if all the required information is received, and the revisions needed are minor in nature and will not affect the layout of the plat, the district may issue a conditional certification letter which lists the items that must be changed on the final plat. A conditional certification letter cannot be written for a final plat.

Preliminary and Final Reviews - CSM's, Metes & Bounds, Plats of Survey, Warranty Deeds & Other Land Divisions

Essentially follow the above procedure for county plats, substituting the document used for the land division in place of the word "plat." If there is no approval authority, the review response documents should be sent to the submitter with a copy sent to the central office Access Management Coordinator. There will probably not be a preliminary submittal, although that is possible.

Time Extension Procedure

Any time additional information is required or changes must be made, a time extension is needed. The land divider can grant WisDOT a time extension by providing a letter or fax similar to the following:

"We hereby grant the Wisconsin Department of Transportation a 30-day time extension for review of the ____ Subdivision/land division so that we may make the necessary revisions requested by them."

The fax should contain the company name & letterhead along with a signature and date.

When you realize that a time extension is needed, notify the land divider that the department needs one or we will have to object because the changes cannot be made or additional information supplied in time to meet the deadline. The best way to notify a divider of the need for a time extension is by phone followed by a letter or a fax similar to this:

I have a deadline of ____ to either certify or object to this land division. At this time I cannot certify the land division. It is not possible to make the requested changes and resubmit the land division prior to the deadline, so WisDOT will need a time extension from you. You may grant a time extension by sending me a fax similar to:

"We hereby grant the Wisconsin Department of Transportation a 30-day time extension for review of the ____ land division so that we may make the necessary revisions requested by them."

The fax should contain the company name & letterhead along with a signature and date.

If I do not receive a time extension by the deadline, I will have to object to the plat.

Appeal Procedure

Department Review - Anyone (land divider, governmental officer or entity, or a member of the general public) may appeal a district decision. The Director of the Bureau of Highway Development has been delegated the authority to review district decisions regarding land divisions. Appeals must be made within 20 calendar days of the decision or failure to act. Within 60 calendar days the Director shall notify the appealing entity of the decision on the appeal. If no decision is made within the 60 day limit, the department is considered to have no objection to the decision of the district.

The department may not unilaterally initiate a review of a district decision. The department may unilaterally initiate a review of a decision made by a municipality.

No person may appeal a conceptual review.

Judicial Review - Chapter 236 Land Division decisions are subject to judicial review under the procedures specified in Chapter 236.13(5).

Decisions on land divisions that are not subject to Chapter 236 are subject to judicial review under the procedures specified in Chapter 227.52.

Required Information (233.04)

Required information which is for informational purposes (such as adjacent driveway locations, nearest highway locations, drainage information, etc.) may be provided on a separate document and does not have to be part of the recorded map or plat. This information does not need to be surveyed, the approximate locations are adequate. It can be scaled from aerial photos if they are available.

Although the rule requires all of the information, it may not always be practical to provide some information. For example, if a land division is not seeking access to the highway, it may not be necessary to know the driveway locations on the adjacent lands. Consider the reasons for requiring specific information (such as safety of the traveling public, future development in the area, etc.) when you request them to provide any missing information.

The right of way distances and bearings on the map must agree with the highway right of way plat information. If there is a discrepancy between the surveyor's information and the highway plat, the surveyor's information should be listed and then add a notation similar to "recorded as ... on Highway Plat No. XXXX-XX-XX" to identify what the highway plat information is.

Direct Access to Highway (233.05)

All driveways require a permit per Wisconsin Administrative Code, Chapter Trans. 231, "Permits for Driveways and Alterations in State Trunk Highways". (See [FDM 11-15-1](#))

The review should consider all proposed public and private access in relation to the existing access to the STH and those access points within 1000 feet of the land division.

The WisDOT district office, in conjunction with the approving authority and with input from the divider, determines whether the traffic access pattern is desirable based on its expertise in highway operational efficiency and safety.

In general, private access shall not be allowed. Use existing local roads, an internal street system or joint driveways rather than individual driveways to provide access to a state highway or connecting highway.

The access points must be checked for sight distance (see DOT Maintenance Manual Chapter 91), and for distance from existing or planned access points. The review must also consider any local, county or regional plans that may show access points or outline access spacing. The review should check any existing access restrictions. The intended use of the driveway should also be reviewed. (See the text below regarding traffic studies.)

When construction of the land division is being done in stages so that portions of the land division will not be in the initial proposed development, or when there are abutting contiguous lands under the same ownership or option interests, **an access covenant shall be executed and recorded in the county Register of Deeds office prior to land division certification.** A sample access covenant form is shown in [FDM 7-30 Attachment 1.1](#). A statement regarding access restrictions as shown in TRANS 233.05(1) must be included on the land division instrument.

Written notice should be given to the land divider that a permit must be obtained from WisDOT before any street or private driveway connection can be constructed. Public street permits are only issued to local units of government.

A Traffic Study may be required for developments that will have a significant amount of traffic. The purpose of the study is to determine whether modifications to the existing street system are needed to accommodate the increased traffic generated by the development. The developer or local government may be required to pay the costs of these modifications. A Traffic Study will be required for any of the following conditions:

Any development that will generate 100 or more new vehicle trip ends (total of entering and exiting vehicles for the proposed development at full build out and occupancy) in any hour; or 50 new vehicle trips exiting the development in one hour; or 750 trip ends in an average day. The current edition of the Institute of Transportation Engineers Trip Generation Manual shall be used to determine traffic generated. Development is defined as any proposed new construction, redevelopment, or expansion of a public or private facility.

When the developer or local government is requesting a change in the traffic control on the state highway system.

When considered necessary or desirable by the department for exceptional reasons (such as on a congested highway or when the safety of the traveling public may be affected), or when required by local approving authorities.

A revised Traffic Study may be required when access decisions are still outstanding and the original Traffic Study is more than two years old or when the proposed development has changed in trip generation or land use from the original Traffic Study.

The land divider shall consult with the district to determine the scope and content of the Traffic Study. A Traffic Impact Analysis is one type of Traffic Study.

A special exception is required before direct private access is granted to a STH. Driveways that existed prior to the land division are not “grandfathered in.” The department must consider the safety of the locations and try to minimize the total number of driveways. The department can revise previous controls by revoking existing permits or authorizations if safety or increased traffic volume requires it. For example, a horseshoe driveway can be reduced to one access point, or if a public road is created, several existing driveways can be eliminated by requiring access to the public road rather than the highway. If it is determined that the driveway is acceptable, it must receive a special exception in order to continue to function as a driveway.

It is necessary to obtain a special exception to allow a driveway if that access is currently permitted by either an 84.25 plat or 84.09 plat and deed. When the district receives a Trans. 233 request they should determine if either of these types of access control exist at the location and whether the proposed access at the requested location is currently allowed by those controls. These accesses should be reviewed to determine whether it is still desirable to allow them to continue. In some cases, we may wish to remove the access point because the original reasoning for it is no longer valid, or conditions have changed so that it is no longer a safe location. It is for these reasons that we must review access points that have already been granted by other means. So, a special exception is still required if the access is to remain. If the conditions have not changed, chances are the special exception will be readily approved.

Spacing of Connections (233.06)

The 1,000-foot spacing mentioned here is the minimum, 1320 feet is the desired distance to provide for workable signal spacing. Additional guidance is available in [FDM 11-5-5](#) of the Facilities Development Manual.

Several factors should be considered when determining connection spacing. Speed limit, traffic volumes, functional classification, urban or rural, and the Access Management Plan (see [FDM 7-5-1](#)) status should all be part of the analysis.

Temporary Connections (233.07)

Temporary connections can be granted if there is a master plan that shows a different ultimate access pattern which isn't being built initially because the development is occurring in phases. Sometimes local fire and safety codes will require a temporary access point that can be removed when the ultimate development takes place.

Circumstances for closure or alteration of temporary connections are generally a negotiable item between WisDOT, the approving authority and the developer unless the connection becomes a safety problem. WisDOT must strive toward rectifying promptly any safety problems that may arise.

The planned removal of a temporary connection should be tied to either a specific date or an event, such as the beginning of phase 2 of a development.

Provisions should be made at the time of the initial development to pay for the removal of the temporary connection when alternate access is provided. A performance bond may be needed.

The district is responsible for monitoring and enforcing removal conditions of a temporary connection. There should be a penalty provided for and a responsible party identified if the agreed to conditions are not met.

Setback Requirements and Restrictions (233.08)

Setbacks are necessary to provide light, air and space between a development and the highway. They also preserve the public investment in and safety of the highway. Highways are a resource for the State of Wisconsin. Before development in an area occurs, the highways are constructed to meet the needs of the area. Many communities do not have master plans or comprehensive plans in place that adequately preserve

corridors for probable future needed highway improvements. As a result, many times the department must look to a relocation of a highway in order to meet the expanding needs of a community. It is becoming more difficult to bypass a community due to concerns over the environment and agriculture of an area and also due to the lack of available area around expanding cities.

In order to provide for a facility to serve the future community needs, the setbacks need to be in place. Setbacks are not automatically present along all state highways. They are restrictions placed upon developing land and only as the development occurs through land divisions. Without this planning tool, the future could be bleak with communities having to live with a substandard highway facility because it would not make sense to relocate half of a community's business district in order to provide for an expanded highway facility.

Not all practical uses of the area within the setback are being denied, just those that may preclude a future highway facility. If the cost to buy additional right of way is too great, either a needed project will not be built or the state trunk highway will be relocated. In either case property owners adjacent to the highway, particularly businesses, will be adversely impacted.

The highway setback area is 110 feet from centerline or 50 feet from the right of way line (whichever is greater) for the following:

The National Highway System

Principal arterials. See [FDM 4-1-15](#)

Within incorporated areas and within 3 miles of the corporate limits of any city with a population of 10,000 or more, or within 1-1/2 miles of any village or any city with a population of less than 10,000.

Highways and connecting highways with an ADT of 5,000 or more.

Areas where the projected congestion is expected to be worse than level of service "C" within the next 20 years.

Major intersections - the area within 1/2 mile of the intersection or interchange of any STH or connecting highway with a designated expressway, freeway, or interstate highway.

The highway setback area is 15 feet from the right of way line for any state trunk highway or connecting highway that does not fall into one of the above categories, with the exception of the area within the desirable stopping sight distance at the intersection of any STH or connecting highway with another STH or connecting highway. In essence, the area within the stopping sight distance of the intersection does not have a setback, but it is governed by the vision triangle criteria as stated in 233.105(2).

Special exceptions to the setback restrictions may be granted if the request is not contrary to the public interest. Local setbacks and master plans may be good reasons for special exceptions to reduce the setback distance. However, if local setbacks are more restrictive, they would govern. A special exception to WisDOT requirements does not supersede local regulations that are more restrictive, in fact WisDOT shall not grant special exceptions that would be in violation of local regulations. See "Special Exceptions" for additional information.

The setback line is established when the land division is created. The location of the setback line does not move when additional R/W is purchased from within the setback area. The setback area just becomes smaller. In other words, if there is a 50 foot setback and we buy 20 feet of new R/W from the property, there would then be a 30 foot setback, because the setback line itself does not move. So, highway R/W plats must show the remaining setback widths on land divisions.

If additional highway right of way is dedicated at the time of the land division, the setback is measured from the existing right of way line or centerline, not the newly dedicated right of way line.

The setback line will not follow the vision corner line, but rather will follow the normal R/W line extended. Vision corners have restrictions as stated in 233.105(2).

In areas where there is a parallel driveway or access easement within the normal setback area, the setback area will be expanded by the width of the driveway or easement. This expanded setback will be a condition of approval of the special exception to allow a driveway in the setback area.

On routes with planned improvements that require additional right of way but the real estate has not yet been purchased, the setback would apply to the right of way as it exists at the time of the recording of the land division. In such a case, the department may want to do an advanced acquisition to establish the new right of way line prior to the creation of the land division. If the property owner is agreeable, the setback line can be set at the appropriate distance from the proposed right of way line, but the department cannot force the land owner to accept a larger setback area than what is required based on the existing right of way.

Improvements and Structures

Structures and improvements that existed prior to the start of the land division process do not require a special exception nor will compensation be denied if they must later be removed from the setback for a highway improvement project. {See 233.012(2)} However, they must be shown on the plat to prove that they existed at

the time of the land division. No additional structures or expansions to existing structures may be built in the highway setback area.

If a disaster should befall a structure that was existing in the highway setback area prior to a land division ("grandfathered in"), as far as WisDOT is concerned, the structure could be rebuilt upon the original footprint, with no expansion. However, there may be local ordinances that prohibit the rebuilding.

Following are lists of prohibited improvements and acceptable features. These lists are not all inclusive. A determination for features not listed shall be jointly made by staff from the Systems Planning and Operations Section of the appropriate district and the Access Management Coordinator in the Bureau of Highway Development (BHD). The BHD Access Management Coordinator will be responsible for maintaining a list of previously undetermined features that have been ruled on.

Prohibited Improvements in the setback after land division. These features are typically relatively expensive to install and are not portable so they are usually expensive and time consuming to relocate. Any feature that is vital to the continued use of the rest of the property is prohibited from placement in the setback area.

As defined in 233.015

Parking lots	In-ground swimming pools
Loading docks	Buildings
Wells	Drainage facilities
Septic systems	Building appendages such as porches
Retaining walls	Driveways other than those that are perpendicular to the highway.
Signs	

Acceptable improvements in the setback after land division. Generally, these features will be relatively inexpensive to install and are portable or relatively easy and inexpensive to relocate even if not totally portable. The remainder of the property must not be dependent on these features to be used to its fullest potential.

As defined in 233.015:

Sidewalks
Terraces
Patios
Landscaping
Open fences

As interpreted by WisDOT:

Gardens and flower beds
Playground equipment
Residential satellite television dishes
Berms
Above ground swimming pools
Trailer mounted signs
Portable swing sets
Movable lawn sheds without pads or footings

Building any structures is prohibited in the setback after land division. This includes (as interpreted by WisDOT):

Garages

Non-portable sheds

Subdivision entry way walls and gate houses

Building appendages would include decks and loading docks. Features that are NOT considered structures include:

As defined in 233.015:

Portable swing sets
Movable lawn sheds without pads or footings
Above ground swimming pools without decks

As interpreted by WisDOT:

Trailer mounted signs
Gazebos

Utility Facilities In Setback

Any utility facility may be placed in the setback. Only the future compensation is affected by the presence of, or lack of, notice to WisDOT. They are compensable only under the following scenarios:

Utility facility is erected or installed before the land division map is recorded.

Utility facility is erected or installed on a recorded utility easement that was acquired prior to February 1, 1999.

Utility facility is erected or installed after the land division map is recorded, but with prior notice in writing to the WisDOT and WisDOT does not file a notice of Non-Compensability (see below).

Utility facility is erected or installed before the land division map is created, but modified after that date in a manner that increases the cost to remove or relocate the facility. In this case, the WisDOT pays the cost for the original facility only, unless the modification was made with prior notice in writing to WisDOT.

Compensation is further restricted by the following:

On connecting highways, the utility facility is compensable only if it is compensable under the applicable local setbacks.

WisDOT will review the notice of a proposed utility facility and determine whether it conflicts with a planned highway project within the 6-year improvement program or a major highway project. If WisDOT determines that a conflict exists, WisDOT will notify the utility in writing and request the utility to consider alternative locations that will not conflict with the planned highway work. If WisDOT and the utility are not able to avoid or mitigate the conflict, the utility may proceed with the work but WisDOT can not pay compensation or other damages relating to the utility facility if it conflicts with the planned highway project. When the parties fail to agree on a non-conflicting location, the district must file a **"Notice of Non-Compensability"** in the county Register of Deeds office for the area under dispute.

The law requires utilities to give WisDOT the following minimum prior notification:

Normal utility work	30 days prior to starting work	all activities not classified as routine or major
Routine work	5 days prior	single residential distribution facilities and similar inexpensive work. Would include all annual service connection permit-type of work
Major utility work	60 days prior	includes transmission towers, communication towers, water towers, pumping stations, lift stations, regulator pits, remote switching cabinets, pipelines, electrical substations, wells, gas substations, antennae, satellite dishes, treatment facilities, electrical transmission lines and facilities of similar magnitude

The time frames for the utilities notifying WisDOT and for WisDOT to reply to the utilities are the same. This means that if they give WisDOT the minimum notification (5, 30 or 60 days prior to construction) WisDOT would have to reply by the day that construction starts. In reality, if WisDOT has a problem with the proposed plans and waits until the last day to reply, it is too late, the utility may be unable or unwilling to change their plans. WisDOT must reply earlier than the time allowed in order to get cooperation in changing the location of the proposed facility. It is in WisDOT's best interest to reply as soon as possible.

"Utilities" Includes Cable TV: There is a little confusion on the part of some people regarding cable TV. Cable TV is not a regulated utility, but it is covered by TRANS 233, and they must abide by the setback restrictions.

Unrecorded Easements: Some utilities have unrecorded easements, or verbal agreements with property owners allowing them to place utility facilities on private property. This was especially common prior to 1960. Sometimes property owners didn't want to sign any legal documents but gave their permission to place utility facilities on their property, generally in exchange for service. If the utility can prove that they have some sort of permission to be there, or if they can prove their facilities were there prior to the land division being recorded, WisDOT will consider their facilities to be compensable.

Potential Conflicts: In order to request that a utility change their proposed plan to locate in the setback, WisDOT must have a Major project in the program or a project in the 6-year improvement plan, or a project that was in the plan but has been delayed for some reason. Once a project is in the 6-year plan it is considered to still be a part of the improvement plan even though it was delayed for a few years.

If there is a highway plan in development, the proposed utility plan should be compared to the highway plan to determine if conflicts exist. If a highway plan is not sufficiently developed to determine potential conflicts, a "best-guess" should be made and that decision shall stand in the event there is a change later. For example, if it appears that there will not be a conflict and the utility plans are OK'd by WisDOT, but there later turns out to be a conflict, the utility facility involved will be considered compensable.

If there are no highway projects scheduled in the area under consideration, a letter stating such should be sent to the utility. Any utility facilities placed in accordance with the proposed utility plan under consideration will be compensable in the future.

Service facilities for a single lot are generally not a concern and prior notice does not have to be given. Also, low cost utility facilities, such as small distribution lines, are not a concern. Large, expensive, or difficult to relocate facilities should be placed outside of any proposed highway grading areas. Also consider potential conflicts with overhead structures such as signs, lighting, signals, bridges, sound barriers and retaining walls. Any proposed WisDOT landscaping plans should also be reviewed for potential conflicts.

Any easements existing before February 1, 1999 have been exempted by the rule, even if no facilities existed in the easement on that date. Any facilities placed in easements that were recorded prior to February 1, 1999 do

not have to comply with the prior notice requirement. However, it is in the utility's best interest to give prior notice.

If there is an existing utility easement in the highway setback area, include the recording information of the easement on the plat or map. If the easements are being created via this land division, a note indicating such must be shown, or it could be identified in the legend. Something like "utility easements created via this plat" would suffice.

Setbacks in Place Prior to February 1, 1999

The following note was placed on plats beginning about a year before the revised TRANS 233 took effect. The note may sometimes have been labeled "highway setback" and sometimes "building setback". A similar note is placed on the current land divisions.

"No improvements or structures are allowed between the right-of-way and the setback line. Improvements include but are not limited to signs, parking lots, parallel driveways, wells, septic systems, drainage facilities, etc., it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to section 236.293, Wisconsin Statutes and shall be enforceable by the Department of Transportation. Contact the Wisconsin Department of Transportation District office for more information. The phone number may be obtained by contacting your County Highway Department."

It is our intention to deny compensation for improvements that are made whenever this note was used, regardless of whether it was placed on a plat processed under the old rule or on a land division map processed under the new rule. An exception to that would be when a special exception was granted to allow something to be constructed within the setback. Under the new rule we plan to require the owner to sign a waiver of damages as a condition of approval of the special exception, so that compensation will no longer be a contested issue.

In summary, if a plat that is approved and recorded prior to February 1, 1999 contains this note and did not have a setback special exception, any improvement constructed after the date the plat was recorded is not compensable. If it contains the note but there was a special exception to the setback for this improvement, it is compensable. Any improvement that existed at the time the plat was created should have been shown on the plat, and would be compensable. If a plat approved before February 1, 1999 does not contain this note, any improvements within the setback are compensable.

Outdoor Advertising Signs in the Setback

Scenario: A sign is permitted within 50 feet of the highway right of way, or 110 feet from the centerline of the highway, whichever is more restrictive (farther from the centerline). After February 1, 1999, the land owner divides the property, either via a subdivision, CSM, deed, or any other means. This land division subjects the property to TRANS 233 highway setback restrictions. No signs are allowed in the setback area, but since the sign is existing at the time of the land division, it is grand-fathered in and allowed to remain.

At some point in time after the land division is recorded, the sign owner wants to change the sign to something more expensive. This change, whatever it might be, requires a new sign permit. When WisDOT receives the new sign permit application they notify the applicant that the change will require them to sign a "Notice of Non-compensation" if they want to pursue the change. The notice states that if future relocation is necessary because of a highway improvement project, WisDOT will pay only for the type of sign that was in place when the land division was created. Any improvements after that point in time will not be paid for.

The sign owner has the option of moving the sign out of the highway setback area, or proceeding at the old location with the knowledge that future compensation will only apply to the original structure.

NOISE (233.105)

The district must determine if the proposed land division may be adversely affected by noise generated by the highway. The land owners and prospective buyers of land adjacent to an existing state highway facility must be advised that noise levels on some or all of the divided lands may exceed federal standards, and that the department will not be responsible for mitigating the noise. It places the burden of the mitigation upon the owner. (See Trans. 405)

The land divider is responsible for placing a **noise note** on the land division documents. See Trans. 233.105(1) for the required note.

The noise note is required only on land division documents where the district knows of a problem or where it is likely there will be a problem in the future. The rule does not say that noise barriers must be built. Whether or not they are provided will depend upon whether the land divider, prospective buyers or people who have already bought lots feel they are necessary and also upon whether any of those people are willing to pay for them. The intent of this section is to inform all concerned that WisDOT will not construct or finance noise barriers for land divisions next to existing highways. The land divider is accepting the risk on his own behalf or on behalf of

subsequent buyers if he chooses to develop close to an existing state trunk highway which may now or in the future adversely affect owners of the created land divisions. The land divider's responsibility for noise abatement expires when the lots are sold. If and when an owner feels noise abatement is necessary, it shall be their responsibility to provide it.

[FDM 23-30 Table 2.1](#) provides the Federal Noise Abatement Criteria. [FDM 23-50-1](#) mentions the WisDOT responsibility in reviewing abutting plats and states that we should consider the noise impacts in our review.

For noise purposes, an existing highway would be the roadway in place at the time the land division is created or the roadway resulting from the future rehabilitation or reconstruction if done substantially along the same alignment and containing an equal number of travel lanes. If the highway is subsequently revised so that it is moved significantly closer to the land division or the number of travel lanes is increased, there could be a noise impact to adjacent properties due to the change. In that case WisDOT would no longer consider it to be the "existing" highway for purposes of 233.105(1). In those situations, WisDOT will evaluate the changed noise levels on those properties and, if practical and effective, mitigate the affects of the increased noise levels significantly affecting the properties. Mitigation may consist of measures other than constructing noise barriers. Noise barriers are not effective where there are many openings such as driveways, thus they are typically installed only along freeways.

The note that is placed on the land division at its creation is in effect for perpetuity. Subsequent buyers are responsible for noise abatement.

All land divisions abutting four lane highways, high volume two lane highways, and highways with a high percentage of truck traffic shall have the noise note added. Other things to consider include whether there is a quarry, trucking firm or similar operation nearby, and whether there is a steep grade that may require trucks to do a lot of braking.

Vision Corners (233.105)

Vision corners are areas controlled by the WisDOT at intersections. Vision corners are required as a safety necessity. The purpose of the vision corner is to provide a clear line of sight for vehicles approaching or waiting at an intersection. Vision corners are sometimes called "vision triangles" because they are generally triangular in shape. These areas must be kept free of any objects which may obstruct the necessary line of sight for drivers on either the highway or the side road.

The district must review the need for vision corners at any intersection with a state trunk highway. Some of the items to consider are the speed limit on the highway, the location of the land division (i.e., rural or within the corporate limits of a city or village), the land use proposed and the grades in the area. If the highway speeds are low and visibility is adequate without the need for the dedication, it will not be required. Vision corners should be required at all locations with high truck volumes, high total volumes, or any time that the geometrics of the intersection are less than desirable. The safety of the traveling public should be a major consideration.

Right-of-way or easement requirements for vision corners are located in [FDM 11-10-5](#). Guidance for vision corners on low speed side roads (below 40 MPH) is found in the AASHTO's "A Policy on Geometric Design of Highways and Streets." Generally, the slope of the land will also affect this design if additional grading is required to provide the appropriate sight lines.

Right-of-way dedication is preferred because it gives WisDOT more control over the property. If easements are used, problems frequently arise because future owners do not understand the need for the easement and feel they should be able to do anything they wish with their property. Easements can be used, along with the note mentioned below if the dedication of the property presents a problem for complying with local ordinances.

Wording of note to be added to the land division document if the vision corner is by easement:

"No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height."

No compensation is required for the dedication of vision corners. The land divider is the initiator of the action (dividing the property) and is receiving something of value (a new or upgraded connection to the state trunk highway) in return for the dedication. The land divider can avoid this by connecting to a road other than the state trunk highway or by not dividing the property.

Drainage (233.105)

Wisconsin DOT-owned drainage systems are designed for the use of the state highways they serve. Allowances are made during design to accommodate the surface drainage sloping naturally towards the highway and in the existing condition of imperviousness (land use) experienced at the time of design of the storm water conveyance system.

All abutting land divisions shall be reviewed for impact on the existing STH drainage system. The post-development storm water flows shall be equal to the pre-development flows. If there is a possible adverse effect on existing drainage or if there is a significant amount of water flow toward the highway right-of-way from the

development, the land divider must provide the district with a drainage study certified by a Wisconsin licensed professional engineer, landscape architect or hydrologist experienced in drainage computations. The study, which shall illustrate both the before and after condition for full build-out, shall be reviewed by the district for its accuracy and conformance with WisDOT policy. The district shall review the proposal before the plat is certified.

Drainage information will be required when there is a:

Residential land division with a gross aggregate area of 5 acres or more;

Residential land division with a gross aggregate area of at least 3 acres, but less than 5 acres, if it creates at least 1.5 acres of impervious surfaces;

Non-residential land division, with a gross aggregate area of 1.5 acres or more, or which creates an impervious area of .5 acres or more;

Land division of any size that, in the opinion of the department, is likely to result in storm water runoff which exceeds the safe capacity of the existing drainage facilities or receiving body of water, which causes undue channel erosion, which increases water pollution by scouring or the transportation of particulate matter, or which endangers property or public safety. (A copy of the construction site storm water management plan as required under NR 216 may be required);

Land division that is smaller than the minimum applicability criteria if such land division is part of a larger common plan of development or sale that meets any of the above criteria, even though multiple separate and distinct land divisions may take place at different times on different schedules.

The land divider is responsible for providing the drainage computations and information. WisDOT requests land dividers contact the district before they expend resources on drainage plans. The district can work with the developer to determine the extent of drainage information needed to meet this requirement. See [FDM 7-50 Attachment 5.4](#) of this procedure for a checklist of items that can be required of the land divider. The district will check the needed items for the particular land division before sending the checklist to the land divider. If the hydraulic and hydrologic calculations are required, the district will send the land divider a copy of [FDM 7-50 Attachment 5.5](#) for them to complete.

If the owner is merely dividing the land now, with no specific development plans, they must have some idea of what may be planned based upon zoning alone. That information shall be used to develop drainage information using commonly accepted factors for the type of development anticipated. (See [FDM 13-10-5](#))

Downstream properties may be any publicly or privately owned lands through which the runoff flows. The computations need to show that the post-development flow is not greater than the pre-development flows. The computations do not need to show the effect on downstream properties.

Post-development peak runoff rates must not exceed the pre-development peak runoff rates for the 2-year through 50-year design storms, unless the downstream system is designed for a larger event. Emergency overflows must be provided to handle the 100-year discharge. Computations shall be done for the 2-, 10-, 25-, 50-, and 100-year storms.

Storm drainage outfall lines will be allowed to cross the setback area. The type of drainage facilities that cannot be replaced elsewhere are the kind of facilities that need to be kept out of the setback area, such as storm water detention basins.

Note: State law requires that developers obtain a Stormwater Permit in compliance with NR 216.

Special Exceptions (233.11)

The department may approve special exceptions to land division requirements, provided that the special exception shall not have the effect of nullifying the intent and purpose of these requirements. The department shall not approve special exceptions unless the evidence presented to it supports the following:

The granting of the special exception will not be detrimental to the public safety, health, or welfare or injurious to other property;

The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;

Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

The relief sought will not in any manner vary the provisions of the local zoning ordinance, master plan, comprehensive plan or official map, except that those documents may be amended in a manner prescribed by law.

In approving special exceptions, the department may require such conditions as will, in its judgment, secure substantially the purposes described in Chapter 236, State Statutes.

A special exception is effective only when it is recorded in the office of the register of deeds. See 233.11(7).

Blanket Special Exceptions

In areas with existing development and where local ordinances have less restrictive requirements, such as a reduced setbacks, the local unit of government may apply for a blanket special exception. This special exception would apply to an entire area. Once granted, all development in that area would be governed by the specifics of the special exception. For example, the entire central business district could have reduced setbacks and access could be granted according to local zoning requirements. However, the local access requirements must be restrictive and not general.

The local unit of government must submit a request for a blanket special exception to the appropriate WisDOT district office. The request shall include:

A copy of the zoning regulations for the area.

A letter indicating a need for the blanket special exception, the type of special exception needed and the reasons the municipality is requesting such a special exception.

An aerial photo of the area under consideration for the special exception. If such a photo is not available, a map showing existing structures and improvements would suffice.

A blanket special exception does not negate the need for WisDOT review of land divisions in the affected area, it will just make the review simpler and quicker.

Blanket special exceptions must be recorded with the register of deeds office or the department shall provide other suitable public notice of the special exception.

Applicant Requirements

The applicant shall request in writing a special exception for the use they are proposing. The district may send the applicant instructions for requesting a Special Exception if their original request does not contain all of the needed information.

A request for a special exception must comply with local regulations and restrictions. Proof of approval by the local government, such as an approved resolution, may be required. WisDOT will not approve a special exception that is contrary to the wishes of the local governments.

Cost is not a hardship. It can be a factor, but by itself the additional cost of conforming to a Trans. 233 requirement is not a sufficient reason to grant a special exception.

Waiver of Future Compensation

One purpose of this provision is to assure that there will be an area available to expand the highway when development requires a needed improvement. WisDOT pays fair market value for the land it acquires. With a waiver, those portions of the land on a lot containing improvements would be valued at the same rate as those portions containing no improvements. It is detrimental to the owner, to WisDOT, to the community and society in general to remove development to make way for a highway project when it can be avoided by preserving space for such projects. If the owner insists on placing improvements in the setback area, they are accepting the risk of damages in the future.

Setback Exceptions

Special exceptions for setback areas must be analyzed on a case by case basis. Section 233.11(3)(b) to (f) spell out the various items that should be considered when ruling on a special exception to the setback area and other applicable requirements.

Performance Bond (233.12)

A performance bond is needed when there must be a guarantee that certain work will be done at some point in the future, such as the removal of a temporary access point.

Fees (233.13)

Fees must be charged for each formal submittal to the WisDOT that requires a formal response. Conceptual reviews are not subject to the fee and will not require a formal response. Many municipalities require that the roads be constructed before they will approve the final plat. Therefore, WisDOT must review the plat twice, once during the preliminary plat stage and once during the final plat stage. The fee will be assessed each time a preliminary and a final plat is submitted.

WisDOT does not require both a preliminary and a final review for every land division, but it does require review and approval prior to any construction of street infrastructure, which in effect requires a preliminary review when the municipality requires such construction prior to final plat approval.

Drainage Information Checklist for Trans. 233 Land Divisions

Purpose

This Checklist should help WisDOT reviewers request the information that is needed from a land divider so that an assessment can be made as to the land division's impact on the drainage system of the state highway. The reviewer will use the requested information to evaluate flow, water surface elevation and erosive impacts and changes to WisDOT drainage facilities. WisDOT drainage facilities include but are not limited to storm sewer systems, culverts, ditches, and detention ponds. Providing complete and clearly labeled information will expedite the review.

Development

Name

Highway

County

Date

Required Information The checked items must be provided

- ☐ USGS Quadrangle Map (1:24000) to delineate the site location. The map should show 1 mile on each side of the site. **Note: USGS maps are available for no charge on the internet at www.usgs.gov**
- ☐ Proposed site grading plan with contours (including buildings, roads, drainage systems, etc.)
- ☐ Delineate floodplain and floodway boundaries (if applicable)
- ☐ Plans of proposed and existing stormwater conveyance systems
- ☐ Outlet control details and erosion control details for affected WisDOT drainage facilities
- ☐ Energy dissipation calculations and details to control outlet velocities
- ☐ Connection details to WisDOT system if prior written approval is granted by WisDOT
- ☐ Hydrologic and hydraulic design calculations, including drainage area mapping, land use areas, time of concentration flow paths and calculations, and ditch capacity and shear calculations for WisDOT ditches
- ☐ Certification signed by a Wisconsin Registered Professional Engineer, Landscape Architect, or Hydrologist.
- ☐ Drawing or plan illustrating the links between the hydraulic and hydrologic model components and the physical features of the design (drainage areas, pipes, ditches, ponds, etc.).

Local Agency Storm Water Ordinance Requirements

Since many local agency requirements for either flow or storage volume can be more restrictive than WisDOT's requirements, please include local agency requirements in the design calculations.

Drainage Design Summary for Trans. 233 Land Divisions

Land Division Name: _____

District Log # _____

Drainage Calculation Method

Select only one:

- ☐ NRCS TR55 Graphical
☐ NRCS TR55 Tabular
☐ TR20
☐ Rational Method (Triangular Hydrograph)
☐ HEC-1
☐ Other (specify) _____ Note: you should get approval from the district prior to using a method that is not listed above.

Please provide input and output printouts for all range of flows when computer applications are used.

Data Summary

Q= discharge, V= velocity, and Vol. = runoff volume

Required storage volume is the difference between the proposed and existing conditions.

	Existing			Proposed			Proposed Outflow		Required Storage Volume Cubic Feet
Frequency	Q	V	Vol.	Q	V	Vol.	Q	V	
2-year									
10-year									
25-year									
50-year									
100-year									
Drainage Area	Acres			Acres					
Design	Storage	Volume	(cubic ft)						

Certification

I, _____, certify that the proposed stormwater runoff from this
 (Print Name)
 land division is discharged into the WisDOT storm water conveyance system at a flow rate equal to or less than the existing flow rate conditions, the velocity discharged is properly dissipated, and the designed storage volume is adequate for the appropriate frequency listed above. The design is based on the attached hydrologic and hydraulic calculations which are summarized above.

_____, P.E./Landscape Architect/Hydrologist
 Date (Signature) (circle one of the above)

Wisconsin Professional License Number _____



1.1 History of Scenic Easements

The scenic easement program in Wisconsin started with, and is centered around, the Great River Road. The Great River Road was originally conceived in 1938. It involves the establishment of scenic parkway routes on both sides of the Mississippi River from a point near its mouth on the Gulf of Mexico, northward to, and encirclement of, the Lake of the Woods on the border of Minnesota and the Canadian provinces of Manitoba and Ontario. The Mississippi Parkway is similar to the Blue Ridge Parkway and the Natchez Trace in the eastern United States, which were also established to preserve scenic and historic drives.

The Great River Road enters Wisconsin on STH 80 near Hazel Green, follows roadways along the Mississippi River, and leaves the state at the junction of the St. Croix and Mississippi Rivers. A major portion of the route follows STH 35.

Wisconsin has actively participated in the establishment of this parkway since 1939 when the Legislature enacted the enabling act, 84.105 of the state statutes. The first Wisconsin section of the Great River Road to be initiated was the portion of STH 35 in LaCrosse and Trempealeau Counties which was completed in 1952. Since that time, the entire route has been completed. There are also other areas of the state where it was considered important to preserve the scenic beauty and limit the amount of development that would take place. Examples of some of these areas include both sides of the Chippewa River along STH 178 between Jim Falls and Cornell in Chippewa County; and a seven-mile stretch along the Wisconsin River on STH 107 between Merrill and Tomahawk in Lincoln County.

1.2 Scenic Easements

Scenic easements, like other easements, consist of acquiring certain interests in properties that abut a given highway for the purpose of controlling the development and use of the areas. The owners are paid for the rights acquired and the interests are then owned by the state. These rights are perpetual and can be changed only by conveying those interests or by granting a scenic easement variance. The scenic easement deals primarily with permitted or non-permitted uses. The WisDOT form for recording scenic easements is found in [Attachment 1.1](#).

1.3 Purpose

The purpose of the scenic easement is to preserve the natural beauty of the roadside by preventing unsightly developments which may destroy or detract from the natural beauty and may result in danger to the traveling public. Owners of abutting property are asked to convey easements to the state which impose certain restrictions on the future use and development of lands within the scenic easement.

1.4 Scenic Easement Areas

Most scenic easements include an area 350 feet (106.7 m) in depth along either side of a route within an area where it is deemed important to preserve certain scenic qualities. These scenic easement areas normally include entire routes except for sections within village or city limits which are left to the discretion of the local governmental body to control. In some areas, the scenic easement may extend to the top of an adjacent bluff, to a forty line or some other landmark as a point of reference. While each scenic easement stands on its own merits, there are certain standard restrictions that are included in each document. To some extent, the scenic easement may be considered similar to zoning restrictions, except the zoning restrictions are imposed without compensation. Scenic easements may determine access spacing in cases where they require a certain amount of frontage for each developed use or property. The scenic easement may also restrict the use of the property to a lower level traffic generator such as agricultural or residential as opposed to commercial or industrial.

1.5 Typical Scenic Easement Terms

A typical scenic easement contains the following general terms and conditions:

1. A list of the permitted uses.
2. A prohibition against dumping unsightly or offensive materials except as is incidental to the permitted occupation and use of the land for normal agricultural or horticultural purposes.
3. A prohibition against signs, billboards, outdoor advertising structures or advertisements of any kind, except one sign of not more than eight square feet in area to advertise the sale, hire or lease of the

property or the sale of any products produced upon the premises.

These are general terms and it is important to be aware that each project and, in some cases, each easement has individual language due to the location, type of property involved and the reason for protecting a particular attribute or scenic quality. The majority of the scenic easement projects are located in District 5 because Great River Road mileage through this area is substantial. In addition to preserving the scenic qualities of the area and the spacing of development, scenic easements also benefit abutting property owners by: preventing neighboring properties from adverse use or development; helping their property to maintain or increase in value because of controlled use on abutting properties; encouraging more substantial improvements due to size of sites; and increasing the pride of ownership.

1.6 Enforcement of Scenic Easements

Scenic easement surveillance is done by district maintenance sections as part of their overall responsibility for highways and roadsides. When a violation is identified, the property owner is notified and is requested to correct the situation. If the violation continues, the Real Estate Section proceeds to take legal action to bring the situation into compliance. The other area of the scenic easement program that requires a considerable amount of staff time is the handling of requests for variances and the requests for interpretation of the restrictions as they apply to each property. As scenic easements get older and the potential needs and uses change, they generate a considerable number of requests. This portion of the program is administered by the Real Estate Section.

Each scenic easement project has a Relocation Order filed and each individual scenic easement is recorded at the Register of Deeds Office. This enables anyone dealing with the areas covered by a scenic easement to identify the restricted area and consider those restrictions when making plans for any improvements or development.

1.7 Acquiring Scenic Easements

The procedure for acquiring a scenic easement is as follows:

1. The area to be preserved must be identified.
2. A relocation order should be developed and approved, similar to any other improvement project.
3. Funding is set aside to acquire scenic easement rights. The owner must be compensated for rights acquired.
4. A scenic easement can be condemned under statutes 32.19 and 84.09 (the same as any other interest in land).
5. Legal documents must be drafted and recorded.

1.8 Anticipated Future Use

Future use of the scenic easement will probably be limited due to the amount of management, enforcement and funding that is required to approve and maintain them and the fact that a large portion of the state's scenic areas have been protected by existing scenic easements.

1.9 Scenic Easement Summary

The following is a summary of scenic easement projects, parcels and acreage by district:

District	No. of Projects	No. of Parcels	Acres
1	33	136	1,472
2	6	20	574
3	21	70	453
4	14	50	371
5	47	843	13,121
6	21	247	2,701
7	12	42	245
8	29	97	852
Total	183	1,505	19,789

LIST OF ATTACHMENTS

[Attachment 1.1](#) Form DT1569, Scenic Easement Form

Document Number
SCENIC EASEMENTWisconsin Department of Transportation
DT1569 98 (Replaces RE3014)

THIS INDENTURE, made by ____ GRANTOR, conveys and warrants to the **State of Wisconsin, Department of Transportation**, GRANTEE, for the sum of ____ (\$____) scenic rights since the State of Wisconsin, desires to preserve, protect and improve for scenic purposes, and to prevent any future development which may tend to detract. These rights acquired do NOT grant the public the right to enter the described area for any purpose. These rights acquired do NOT grant the State of Wisconsin, or its agents, the right to enter the described area except for the purpose of inspection and enforcement of said rights, or as specifically set forth.

Any person named in this easement may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s.32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: ____.

Legal Description This (is/is not) homestead property: ____

This space is reserved for recording data

Return to

Parcel Identification Number/Tax Key Number

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Date)

State of Wisconsin

)

) ss.

County)

On the above date, this instrument was acknowledged before named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

Project ID

This instrument was drafted by

Parcel No.