



1.6 RIGHT OF WAY PLATS AND RELOCATION ORDERS

1.6.1 Estimates

The regional Real Estate (RE) section furnishes estimates of right of way (R/W) costs on all routes and alternates to the regional Project Development section as a part of the design investigation process. The regional Technical Services (TS) manager has responsibility for the evaluation of alternate routes and selects the recommended location for improvement as a part of the preliminary engineering studies conducted for highway locations. After a definite route is selected, the regional RE personnel shall review the alignment and update the estimated R/W costs. These joint inspections are conducted on a continuing basis. The results are documented and incorporated into the engineering report that is a part of the project records. The procedure outlined above is followed for any type of project that would cover the relocation of an existing highway or for determining the location of an interstate or freeway type of facility.

1.6.2 Interest Acquired

The interest normally acquired for highway R/W is title in fee simple. The second most common interest acquired is a permanent limited easement for so long as the land is used for highway purposes. Other interests include:

- Access rights - to either partial or total access restriction.
- Restricted development easements - for right to prohibit additional construction of improvements on parcel.
- Scenic easements - to restrict use of property, such as along Great River Road route to protect scenic views for overlook purposes, etc.
- Temporary limited easements (TLE) - for special use of property, such as to cut and fill slopes beyond boundary of permanent R/W, for channel changes, temporary detours, etc.

1.6.3 Right of Way Plat

A preliminary plan with the outline of the right of way (R/W) limits is furnished to abstracters, title companies, and the regional RE specialists for making preliminary title searches. Preliminary title searches normally contain information about location of the parcel or property by county, township, range, section, subdivision, lot and block, owner of record, volume and page number of the recorded document, encumbrances - such as: mortgages, easements, judgments, taxes, liens, Lis Pendens, and special assessments, description as contained in the deed, number of acres or area involved in ownership, project number, parcel number, probate court date, etc. These searches are conducted by local abstracters or title companies and, on occasion, by the regional RE personnel. Abstracters and title companies are selected from a list of all abstracters and title companies in each county. If there is only one abstractor or title company in a county, that one is used, provided the work can be accomplished in the time required and a satisfactory preliminary title search or report is produced. All regional offices should have RE agents familiar with the title search process. If needed, the regional RE section should be able to do the title search work. Solicitation and hiring of an abstractor or a title company is

accomplished under the Chapter 16 procedure for contracting procedures. Right of way plat preparation may begin after the design of a particular improvement project has been completed or has reached a stage where no major revisions are contemplated and required hearings have been held. Right of way plats are prepared by the regional Project Development/Technical Services section or consultant in close cooperation with the regional RE section. Plats are prepared in accordance with standards contained in the Facilities Development Manual. See FDM Chapter 12/Section 10, Transportation Project Plat Preparation and Section 15, Traditional Right of Way Plat Preparation.

1.6.4 Relocation Orders

The delegation of authority to approve Relocation Orders (RE1708) was given to regional directors and went into effect on January 9, 1995. The regional directors, at their discretion, may delegate this authority, but it is not to be delegated beyond the regional RE or TS management level. The approval of the Relocation Order cannot be delegated to WisDOT consultants. For a plat filed with the county clerk, a Relocation Order is used. For Transportation Project Plats (TPP), the Relocation Order is found on the face of each plat sheet. The signing and dating of the Relocation Order or the TPP plat sheet by the delegated manager or supervisor establishes the Relocation Order approval date. See FDM 12-10, Transportation Project Plat Preparation. The Relocation Order indicates:

- Date of previous order (date of latest regional RE approval)
- Date of R/W plat
- Highway designation
- Name of county
- Name of road
- Project identification number
- R/W plat sheet number(s)
- Termini of project

Acquiring agency and statutory references under which R/W is to be acquired:

- County acquisition, [Section 84.09\(3\)\(a\) Wis. Stats](#)
- Direct state acquisition, [Section 84.09\(1\) or \(2\) Wis. Stats](#)

Municipalities, [Section 84.09\(3m\) Wis. Stats.](#):

- Date regional RE approves Relocation Order
- Signature of regional RE management

With reference to the acquiring agency and statutory references above, the regional offices may acquire R/W in the name of the state of Wisconsin, or the department may order the county highway committee or board, commission or department of the city within whose limits the land is located ([s. 84.09\(3\)\(a\) and \(3m\) Wis. Stats.](#)) to acquire the necessary R/W as an agent for the State. For guidance regarding encumbrance of monies and the Project Cost Allocation (RE1532), see Section 1.3 of this manual.

1.6.5 Printing Requirements

Each regional RE section takes care of their own printing needs either through DOA or by using a printing service in their local area. Numbers of prints requested varies in each region; however, a copy of an 11 X 17 approved R/W plat (and approved Relocation Order if using the filing process) should be submitted to the Bureau of Technical Services-Real Estate (BTS-RE) for their files. The filed or recorded R/W plat sheet(s) are microfilmed by BTS-RE.

1.6.6 Federal Funding

Projects involving federal funds in the R/W are forwarded to the FHWA by the regional Planning section financial coordinator for authorization of federal funding prior to the relocation order approval process. Authorization from the FHWA is required before any project negotiation activities are initiated, including hardship acquisition and protective buying. This authorization provides for the expenditure of federal funds for all costs necessary to acquire and clear the R/W. It is to be requested after recording the Relocation Order (RE1708), which is used to document that a project exists. Parcel acquisition costs incurred prior to the federal authorization to acquire are not eligible for federal participation. These requirements must all have occurred prior to requesting authorization:

- Environmental Impact Statement or Environmental Assessment submitted and approved
- R/W plats submitted and approved
- Relocation plan submitted and approved

1.6.7 Approval Notification

For filed plats, the regional RE section will send an approved copy of the Relocation Order (RE1708) and a print of the approved R/W plat to the county highway commissioner and county clerk of each county affected. This notification is not required for the TPP since the Relocation Order is a part of the TPP and approved on the date the plat is signed in the region by an authorized person for WisDOT.

1.6.8 Recordkeeping

The official R/W file including all correspondence, documents, and other material related to the project, is to be retained in the appropriate regional office.