



Division of Transportation System Development
North Central Region
510 North Hanson Lake Road
Rhineland, WI 54501

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December 8, 2011

TO: PROSPECTIVE BIDDERS
FOR EXCESS STATE-OWNED PROPERTY

Sealed Bid Sale of Excess State-Owned Property
Bid Opening of **February 8, 2011**

Property located at the SW corner of Highways 29 and 45 (Genesee St/Business 29), in the Village of Wittenberg, Shawano County, WI

The Department of Transportation solicits your sealed bid for purchase of the above-mentioned parcel of real estate. The parcel is south of the Highway 29 interchange, just north of the McDonalds/Shell gas station. The parcel is 2.318 acres in size more or less. A map attached to the bid packet will assist you in locating the property.

If you are interested in bidding on this property, carefully read the instructions in the enclosed bulletin. In addition to terms of sale, the bulletin also contains the legal description of the site, restrictions on use to be included in the deed, a map and information on zoning, etc. as well as the official forms on which your bid must be submitted.

Our minimum acceptable bid for this property is based on a current appraisal of \$176,500. A bid deposit in the form of a certified or cashier's check in the amount of \$17,650 payable to the Treasurer, State of Wisconsin must accompany the bid. **PLEASE SUBMIT THE BID IN THE ENVELOPE PROVIDED (INSTRUCTIONS ARE ON PAGE 6).** The deposit of the high bidder will be applied to the purchase. The bid deposits of unsuccessful bidders will be returned.

We will open bids for this property at **1:00 p.m. on Tuesday, February 8, 2011** in the Rhineland Office of the Wisconsin Department of Transportation, North Central Region, 510 N. Hanson Lake Road, Rhineland, WI 54501. Your attendance at the bid opening is welcome but is not a requirement.

If you need directions to locate our office or clarification of the bid instructions, the Regional Real Estate staff will be happy to assist you. Please contact us at 715-365-5766.

Sincerely,

Patricia Massino
Real Estate Specialist Sr.

Enclosure

WISCONSIN DEPARTMENT OF TRANSPORTATION
NORTH CENTRAL REGION

DAN GRASSER, REGIONAL DIRECTOR

PUBLIC SEALED BID SALE
OF
EXCESS STATE-OWNED PROPERTY

LOCATION OF SITE: SW Corner of Highways 29 & 45 (Genesee St/Business 29)
Village of Wittenberg
Shawano County, WI

BID OPENING DATE

**Tuesday, February 8, 2011
1:00 p.m.**

BID OPENING LOCATION

**Wisconsin Department of Transportation Office
510 N. Hanson Lake Road
Rhinelander, WI 54501
Phone: 715-365-5766**

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GENERAL INFORMATION APPLYING TO ALL EXCESS LAND SALES

The Department of Transportation urges you to visit and inspect the property you are interested in before you bid. All property will be conveyed on an "as is" basis. Ignorance of any condition of the property will not allow you to withdraw or adjust a bid after it is opened.

We urge you to secure firsthand information about the local real estate tax rate, utility services, zoning ordinances, building codes and access requirements. With this information, you will be in a position to accurately determine the utility of the property and to prepare a bid reflective of that utility.

GENERAL INFORMATION ABOUT PROPERTY OFFERED FOR SALE

1. Location: SW corner of Highways 29 & 45, south of the highway and the interchange. (Highway 45 is also Business 29, and also known as Genesee St), Village of Wittenberg, Marathon County, WI.
2. Area of Site – 2.318 Acres.
3. Legal Description – Lot 1 and Outlot 1 of Certified Survey Map #2447, recorded in document #554340, being part of Lots 1-3 CSM #514, Volume 2 of CSM's, Page 217, Shawano County Registry, and part of Lots 2 and 3, Block 3, Meisner's Addition to the Village of Wittenberg, Shawano County, WI. (located in Section 9, T27N, R11E).
4. Present Zoning – C-C Community Commercial along Genesee St and a small portion is zoned Residential along Hunter Street. The Village should be contacted regarding zoning and use requirements (715-881-1819).
5. Deed Restrictions - see Page 7.
6. Utilities – The neighborhood has water and sewer along Hunter Street; telephone and electric are also available in the adjacent area.
7. Taxes or assessments levied against site - none known.
8. Access: Access to the property would need to come off Hunter Street or from an adjacent property. No access is allowed from Highway 29 or from Genesee Street/USH 45. The Village should be contacted regarding access conditions, restrictions and permitting (715-881-1819).

GENERAL TERMS OF SALE

1. Deadline for Bid Opening

It shall be your duty as bidder to see that your bid is delivered within the time and at the place prescribed in this bulletin. No bids received after the time fixed in this invitation for the opening of bids will be considered and those bids will be returned unopened. Bidders are welcome to attend the bid opening but attendance is not mandatory.

2. Award of Bid

If a bid conforms to the terms and conditions stated in this bulletin and recites the highest dollar value over the stated minimum bid, the Wisconsin Department of Transportation will reserve the parcel in the bidder's name for a period of 60 days, during which time the bidder shall complete the sale by payment of the outstanding balance and the recording fees. In the event that two or more high bids are received that are equal in all respects, the selection will be made by a lottery limited to the tied bidders. If no bids are received, the property will return to the inventory and remain available at the minimum bid price to any qualified bidder. This bid price may be extended for an indefinite time at the discretion of the Wisconsin Department of Transportation. The Wisconsin Department of Transportation reserves the right to reject any and all bids and to withdraw the offered parcel from sale any time prior to the bid opening.

3. Modification or Withdrawal of Bids
The Department of Transportation will not entertain claims from bidders for withdrawal or modification of bids after the bid opening because of ignorance of the condition of the property offered for sale or misinterpretation of the terms and conditions of the sale. Submittal of a bid shall constitute knowledge by the bidder of all conditions, requirements and descriptions contained herein.
4. Notice of Acceptance or Rejection of Bids
Bidders will be notified by mail of the acceptance or rejection of their bid within twenty (20) business days after the day of bid opening.
5. Contract for Sale
The high bid, when accepted by the Department of Transportation, shall constitute an agreement for sale between the successful bidder and the State. Such agreement shall constitute the whole contract unless modified in writing and signed by both parties, to be fulfilled by the recording of the formal conveyance instrument. Neither oral statements nor representations made by or for or on behalf of either party shall become part of such contract; nor shall the contract or any interest therein be transferred or assigned by the successful bidder without written consent of the Department of Transportation. Any assignment transaction without such consent shall negate the sale. (See Item 7 below.)
6. Grounds for Rejection of Bids
The Department of Transportation expressly reserves the right to reject any or all bids when deemed as irregular or when such bid(s) are in an amount less than the published minimum bid based upon the state's appraised fair market value. Bids containing any qualifying or contingent clauses not mentioned in this bulletin will be declared irregular and rejected. Minor irregularities in the bid form such as misspelled words, may be waived and the bid accepted.
7. Forfeiture of Bid Deposit
In the event of a default by the high bidder in the performance of the contract for sale created by the Department of Transportation's acceptance of their bid, the bid deposit shall be forfeited. The Department of Transportation shall take such actions as it deems necessary and appropriate to enforce the contract. Those actions may include legal redress. Establishing a contract with the second high bidder or renewed disposal actions are other available options. A default is the failure to consummate the contract within the provided time period.
8. Transfer of Title
Transfer of title to the property to the successful bidder will be by a Quit Claim Deed. The deed will be executed by the Department of Transportation on behalf of the State of Wisconsin and will require approval of the Governor as stated in Section 84.09(5), Wisconsin Statutes. The conveyance will include the deed restrictions. The successful bidder must be included as a grantee on the recorded transfer document.
9. Recording Fees
The buyer is responsible for the mandated recording fees, apart from the bid and as a condition of sale will be required to submit a separate check made payable to the Shawano County Register of Deeds for these fees along with the final parcel payment. Said fees are \$30.00. No real estate transfer tax will be required to be paid, as property sold by the Department of Transportation is exempt.

10. Final Payment to Seller and Delivery of Deed
The high bidder shall on the mutually agreeable date not later than sixty (60) days after acceptance of the bid, or such longer period as may be agreed upon in writing, tender to the Department of Transportation the balance of the purchase price. Upon receipt of that payment and the recording fee, the Department of Transportation will forward the Quit Claim Deed in recordable form to the Shawano County Register of Deeds. The original recorded Quit Claim Deed will be delivered to the new owner.
11. Title Evidence
The buyer will assume the expense of procuring any abstracts or title insurance that may be required. The Department of Transportation may furnish any abstracts or policies of title insurance it has at the time of sale.
12. Special Assessments
The buyer will assume the payment of any unpaid deferred charges or special assessments for public improvements levied against the parcel at the time of sale. In this case, no special assessments have been levied against this property according to municipal records.
13. Real Estate Taxes
The buyer will be liable for all general real estate taxes levied against the parcel after title is transferred. There will be no pro-ration for the current year.
14. Access
In no case will access be allowed off of either Highway 29 or Genesee Street/USH 45. Access requirements, conditions, and permitting for Hunter Street access will need to be coordinated with the Village of Wittenberg (715-881-1819).
15. Inspections
Any qualified prospective bidder may request a physical inspection of the property by calling Patricia Massino at 715-365-5766 or 1-888-368-3478 (extension 5766). The property is being sold "as is" with no warranties as to condition or use. It is advised that all bidders research thoroughly, exercise due diligence and seek professional advice if necessary as in any real estate transaction.

INSTRUCTIONS TO BIDDERS

1. Special Bid Forms

You must submit your bid on one copy of the special Bid Forms provided in duplicate with this bulletin and furnish all information called for.

If your bid is submitted on other forms or it fails to furnish all information required, it may be rejected at the sole option of the Department of Transportation. Your bid should be filled out legibly with all erasures, strikeouts and corrections initialed by the person signing it and it must be manually signed by you or your agent in ink. You should retain the duplicate copy of the bid form.

2. Special Bid Envelope

Your bid form should be placed in the special envelope accompanying this proposal. Your name and address should be placed in the upper left hand corner of this envelope. No responsibility will be implied to any employee of the Department of Transportation for the premature opening of or failure to open a bid which is not properly addressed and placed in the special envelope attached to this bulletin. If the bid is mailed, the special bid envelope must be placed inside another envelope addressed to this office.

3. Bids Executed by Agents of Bidder

A bid executed by an attorney or agent on behalf of the bidder shall be accompanied by an authenticated copy of his Power of Attorney or other written evidence of his/her authority to act on behalf of the bidder.

4. Deposit Must Accompany Bid

The bid submitted must be accompanied by a bid deposit in the form of a certified check, or cashier's check payable to the "Treasurer, State of Wisconsin" in the amount of \$17,650. Failure to so provide such bid deposit shall require rejection of the bid. Upon acceptance of a bid, the appropriate bid deposit of the high bidder shall be applied toward payment of the bidder's obligation to the State. Bid deposits of unsuccessful bidders will be returned to bidders via certified mail without interest, as promptly as possible after the bid opening. No personal checks or cash will be accepted. Bids containing those items will be summarily rejected.

5. Minimum Bid is Required

The minimum acceptable bid for the parcel being offered for sale in this bulletin is \$176,500. No bids less than that amount will be accepted. Title to the property will be awarded to the party making the highest bid in acceptable form over the above stated minimum figure.

6. Bid Must be Delivered by Deadline

Bids must be in the hands of North Central Region/Rhineland Office, Department of Transportation Real Estate Section, 510 N. Hanson Lake Road, Rhineland, WI 54501 **before 1:00 p.m., Tuesday, February 8, 2011**. There are no exceptions to this deadline. Bids, whether hand delivered or mailed, that are received after the above stated deadline will not be opened and will be returned to the bidder.

7. Bid Opening Location

Bids will be opened at 1:00 p.m., February 8, 2011 at the North Central Region, Rhineland Office, Department of Transportation Real Estate Section, 510 N. Hanson Lake Road, Rhineland, WI 54501

LEGAL DESCRIPTION WITH RESTRICTIONS

Lot 1 and Outlot 1 of Certified Survey Map #2447, recorded in Document #554340, being part of Lots 1-3, CSM #514, Vol. 2 of CSM's, Pg 217, Shawano County Registry and part of Lots 2 and 3, Block 3, Meisner's Addition to the Village of Wittenberg, Shawano County, WI.

Said parcel contains 2.318 acres, more or less.

It is expressly intended and agreed by and between the parties hereto that:

No direct vehicular access between the above-described lands and STH 29 or USH 45/Genesee St. shall be permitted.

The lots of this land division may experience noise at levels exceeding levels in s. Trans 405.04, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity.

The above-described lands shall be subject to all applicable zoning laws and/or ordinances.

All public and private utilities and recreational trails located upon, over or under the above-described lands, whether by permit or easement, shall have the continued right of occupancy and the continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their transmission and/or distribution facilities located wholly or partially within the above-described lands as of the date of this instrument.

No advertising signs or billboards of any type shall be located, erected or maintained on the above-described lands, except for on-premise signs.

These covenants, burdens and restrictions shall run with the land and shall forever bind the grantee, its heirs, successors and assigns; and, upon breach or failure of all or any party thereof, the State of Wisconsin, Department of Transportation may bring an action in the courts of this state to enforce said restriction, and shall recover in any such action its costs and expenses of enforcing the restriction, including actual attorneys fees, from the owner of the property, his successors, assigns, trustees, personal representatives or administrators.

OFFICIAL BID FORM FOR PURCHASE OF STATE-OWNED EXCESS PROPERTY

Bid Opening Tuesday, February 8, 2011
1:00 pm.

Wisconsin Department of Transportation
Division of Transportation System Development
NC Region
510 N. Hanson Lake Road
Rhineland, WI 54501

Project I.D. 1059-16-25, Parcels 25, 34, 35 & 36
Parcel Area: 2.318 acres
For land located at the SW corner of Highways 29 & 45
(Genesee St/Business 29)
CSM #2447
Village of Wittenberg

(1 of 2 Copies)

I hereby submit a bid of _____ Dollars(\$_____) for the above parcel subject to the terms and conditions previously described in the bulletin.

Payment Schedule:

This bid is accompanied by a bid deposit in the form of a certified check, cashier's check or money order in the amount of Seventeen Thousand Six Hundred Fifty and No/100 (\$17,650.00) Dollars. Check to be made payable to Treasurer, State of Wisconsin. In the event of any default by successful bidder in the performance of the contract sale created by acceptance of the bid, the deposit shall be forfeited and the Department of Transportation shall take such action as it deems necessary and appropriate to enforce the contract.

In the event this bid is accepted, the Quit Claim Deed should name the following as grantee(s):

(Include name of spouse, if applicable)

Name and Address of Bidder:

(Name of Bidder)

(Street Address) (Telephone)

(City) (State) (Zip Code)

ALL BLANKS MUST BE FILLED OUT

Place in envelope marked "Sealed Bid Sale of February 8, 2011, Project ID 1059-16-25, Parcels 25, 34, 35, & 36". Place in an additional envelope if you plan to mail the bid.

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Wisconsin Department of Transportation
Division of Transportation System Development
NC Region
510 N. Hanson Lake Road
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(Name of Bidder)

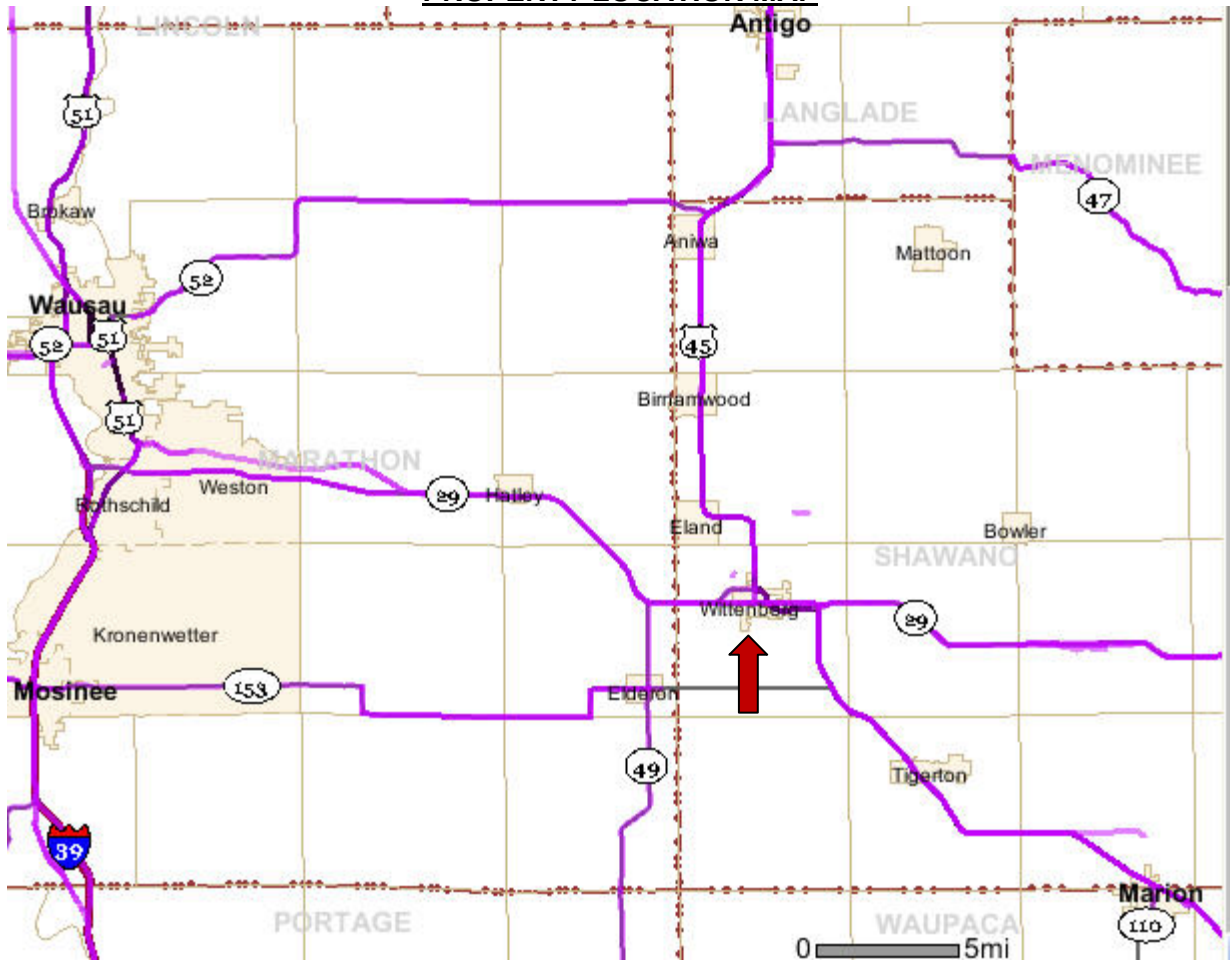
(Street Address) (Telephone)

(City) (State) (Zip Code)

ALL BLANKS MUST BE FILLED OUT

Place in envelope marked "Sealed Bid Sale of February 8, 2011, Project ID 1059-16-25, Parcels 25, 34, 35 & 36". Place in an additional envelope if you plan to mail the bid.

PROPERTY LOCATION MAP



AERIAL VIEW



REGISTERS OFFICE
 SHAWANO COUNTY, WI SS
 Received for Record this 28th
 day of Dec. A.D. 2001 at 9:00
 o'clock A. M. AND Recorded in Vol. 9
 of Records Pages 87 + 88
Maura Replein Register
 REGISTERS OFFICE

SURVEYOR'S CERTIFICATE

I, M. J. Nordin, Land Surveyor, Wisconsin Registration No. S-1723, do hereby certify that I have surveyed, mapped and monumented the following lands: Being part of Lots 1-3, CSM 514, Vol. 2, Certified Surveys, pg. 217, Shawano County Registry and part of Lots 2 and 3, Block 3, Meisner's Addition to the Village of Wittenberg, Shawano County, Wisconsin, being more particularly bounded and described as follows: Commencing at the East 1/4 corner of Section 9, Township 27 North, of Range 11 East, Village of Wittenberg, Shawano County, Wisconsin; thence N88°52'06"W along the 1/4 line 1952.53 feet; thence S00°54'44"W 413.47 feet to the southerly line of STH 29 and the place of beginning; thence continue on the same line 70.56 feet to the northwest corner of the south 1/2 of the said Lot 2, Block 3; thence S88°50'27"E along the north line of the said south 1/2, 300.37 feet; thence S00°55'04"W 322.78 feet to the south line of the north 1/2 of the said Lot 3, Block 3; thence S88°49'21"E along the south line of the said north 1/2, 264.29 feet to the west line of USH 45; thence N01°42'37"W along the said west line 318.29 feet to the southerly line of STH 29; thence N81°01'35"W along the said southerly line 555.55 feet to the place of beginning.

I further certify that I made said survey and map by order and direction of The Wisconsin Department of Transportation, owner of the said lands;

That the map hereon drawn is a true and correct representation of all the exterior boundaries of the said survey and that I have fully complied with Chapter 236.34 of the Wisconsin Statutes and the sub-division regulations of Shawano County in surveying and mapping the same.

Dated this 3rd day of DECEMBER, 2001.

M. J. Nordin
 M. J. Nordin, PS

CERTIFICATE OF DOT HIGHWAY SETBACK RESTRICTION

"No improvements of structures are allowed between the right-of-way line and the highway setback line. Improvements and structures included, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction be for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department."

CERTIFICATE OF DOT ACCESS RESTRICTION CLAUSE

All lots and blocks are restricted so that no owner, possessor, user, licensee, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of U.S.H. 45 and S.T.H. 29, it is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s.236.293, Stats., and may be enforceable by the department or its assigns. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

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