



Real Estate Definitions

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- Abandonment – The relinquishment of public interest in right of way or activity with no intention to reclaim or reuse for right of way purposes; sometimes-called "vacation."
- Abandonment of proceedings – Discontinuance of an action by a plaintiff after filing a complaint, as provided either by law or by implication.
- Abatement – The reduction or decrease; commonly used to describe decrease of assessed valuation.
- Abstract of title – A summary of all conveyances, such as deeds or wills, liens, judgments or other encumbrances and legal proceedings giving names of parties, land description, arranged to show continuity of ownership.
- Abutments – Vertical members (walls, columns, etc.) bearing the load or pressure of cross member.
- Abutter's rights – The right of one owner in property of another by virtue of their sharing a common property line; example: visibility rights – right to see and be seen from street; right to flow of light and air from street to property; access rights sometimes referred to as "abutter's rights."
- Abutting owners – One whose land is contiguous to (abuts) a public right of way.
- Access – The way or means to approach, to enter, and to leave a privately owned tract of land from a public way without trespassing on other privately owned property.
- Access connection – Any roadway where vehicles can enter or leave an arterial highway, including intersections at grade, private driveways and ramps, and separate lanes connecting with cross streets or frontage roads.
- Access restriction – A right acquired or controlled by police power to restrict number of entrances to a public highway from abutting property.
- Access rights – The right of ingress to and from a property that abuts a street or highway; access is a private right as distinguishable from rights of the public; it's a well-established law in USA that right of access cannot be denied or unreasonably restricted unless other reasonable access is available or provided.
- Accretion – The increase or extension of boundaries of land by action of natural forces, such as wind or water current; owner of riparian land acquires tide to all additions by means of accretion.
- Acquisition – State statute says, "A property purchased by an agency by any legal means including a negotiated sale and exercise of eminent domain; or a tenant-occupied unit where possession or use is denied to the occupant under a rehabilitation, code enforcement or other program or project being carried out with public financial assistance." In practical terms, we describe it is the process of obtaining right of way by negotiation and/or eminent domain proceedings; negotiation would involve getting owner to convey, dedicate, or possibly option property to public agency; just compensation must be paid in all acquisitions or takings.
- Acre – A measurement in any shape, usually of land, equaling 160 sq. rods (43,560 sq. ft).
- Administrative settlement – Any settlement made or authorized by WisDOT in excess of approved offering price prior to recording Award of Damages.
- Affidavit – A written declaration or statement of facts made voluntarily and confirmed by oath or affirmation of party making it, taken before an officer having authority to administer such oath.
- Air rights – The right to use and control a designated airspace within perimeter of a stated land area and at stated elevations.
- Alien – Per Ch. 5, an individual not lawfully present in United States, as defined in 8 CFR 103.12, and includes, in the United States, but has not been admitted or paroled into United States pursuant to Immigration and Nationality Act and whose stay in United States has not been authorized by United States Attorney General; and, in the United States after expiration of period of stay authorized by United

States Attorney General, or who otherwise violates terms and conditions of admission, parole or authorization to stay in United States.

- Alluvion – (Alluvium) is soil deposited by accretion; increase of earth on a shore or bank of a river by natural action of water.
- Appraisal – From Code of Federal Regulations: “A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.”
- Appurtenance – An item of property accessory to or an adjunct of, a more important property, title to which usually passes with title to principal property; something that passes as an incident to land, such as a right of way.
- Apron – The portion of a driveway that connects it to street.
- Aqueduct – A large pipe, conduit, or trench to bring water or carry it away.
- AR – Access Rights.
- Arterial highway – A general term denoting a highway primarily for through traffic, usually on a continuous route.
- Assessment/assessment ratio – The valuation of property for taxation, and relationship an assessed value bears to market value.
- Assignee – One to whom a transfer of interest is made; example: assignee of a mortgage or contract.
- Assignment – The method or manner for a right, specialty, or contract to transfer from one person to another.
- At-grade intersection – The point where all roadways join or cross at same level.
- Attorney in fact – One who is authorized to perform certain acts for another under a power of attorney; power of attorney may be limited to a specific act or acts, or be general.
- Average annual net earnings – Per Ch. 5, one-half of net earnings of a business or farm operation, before federal and state income taxes, during the two taxable years preceding the taxable year of displacement, or another period an agency determines more equitable; it includes compensation paid by a business or farm operation to an owner, spouse or dependents; an owner, as used under this subsection includes a sole proprietorship, a principal partner of a partnership and a principal stockholder of a corporation; stock held by a spouse and dependent children is treated as one principal stockholder (the sum remaining after all expenses are met or deducted).
- Average monthly income – Per Ch. 5, for determining financial means, this is the annual gross income of an individual or the adults in a family, including salaries; wages; public assistance payments; tips; commissions; unemployment payments; rents; royalties; dividends; interest; profits; pensions; annuities and other income; and; divided by 12.
- Aviation easement – The right granted by owner of land adjacent to an airport to use airspace above a specific owner from using land for structures, trees, signs, stacks, etc., higher than altitude specified; degree of restriction will vary with glide angle plane necessary for safe use of an airfield’s runway.
- Avulsion – The sudden removal of soil due to wind or water flowing over or through it and deposited on other land.
- Award – In condemnation, the amount paid for property taken.
- Award of damages – A document that finalizes eminent domain procedure for taking of private property for public use; service and recording that transfers title of property to condemnor.
- Azimuth – The angle between true (meridian) north and an object; in surveying it is measured clockwise from north.

[B]

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- Backfill – The material used to replace, or act of replacing, material removed during construction; may also denote material placed or act of placing material adjacent to structures.
- Backslope – The portion of roadway between side drainage ditch and top of cut, usually measured as a ratio of horizontal distance versus each foot of increase in elevation; example: a slope.
- Base and meridian – Imaginary lines used by surveyors to find and describe location of private or public lands.

- Base line – A survey line running due east and west through initial point of a principal meridian where township lines are established by government survey system quadrangular.
- Basic capacity – The maximum number of passenger cars that can pass a given point on a lane or roadway during one hour under nearly ideal roadway and traffic conditions.
- Bench – The horizontal ledge located part way up a slope.
- Benchmark – (1) Point of known elevation, usually a mark of some durable material such as stone or concrete posts; (2) bronze plate to serve as a reference point in running a line of levels for determination of elevations.
- Benefit special – The advantage accruing from a given public improvement to a specific property and not to others generally.
- Berm – (1) The earthen or paved extension of roadway, sometimes a shoulder; (2) the longitudinal mound of earth used to deflect water or a dike-like earthen structure formed by materials excavated from a shallow ditch that parallels and adjoins it, used to control surface drainage.
- Biannual – Twice per year, as opposed to biennial, which is every two years.
- Blight – A reduction in productivity or usefulness of real estate caused by destructive economic forces, such as encroachment of inharmonious property uses and/or rapid depreciation of buildings.
- Borrow – Suitable material from sources outside roadway prism, used primarily for embankments.
- Bridge – A structure over 20-feet (batteries of pipe culverts, regardless of length, are not bridges).
- Business – Per Ch. 5, a legal activity, other than a farm operation, regardless of the income produced, and may be conducted for the purpose of, or: as a non-profit organization established as non-profit status under federal or state law; a for the purchase, sale, lease or rent of personal and real property and to manufacture, process or market a product, commodity, or other personal property; a for the sale of a service to public; primarily for outdoor advertising display purposes when display must be moved due to a project. Also, reference “Farm operation” definition below.

[C]

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- Carve-out – A method for computing a replacement housing, business or farm operation payment applied to separate value of a portion of a property acquired, or a comparable selected.
- Cattle guard – An opening in a fence not closed by a gate, but having a ground grill cattle will not cross.
- Causeway – An elevated construction over marshy land or water, either an earth fill or a bridge-type structure.
- Centerline of survey – (1) Path followed by and identified by surveyors; (2) longitudinal center of a right of way project.
- Change of grade – The difference between elevation of a newly constructed highway and elevation of land, or improvements previously existing on same site.
- Channelized intersection – An at-grade intersection where traffic is directed into definite paths by islands.
- Chattel – Personal property.
- Cloud on title – An encumbrance that may affect fee holder’s ownership and right to transfer.
- Commercial acre – The remainder of an acre after requirements for streets, sidewalks, curbs, etc. are deducted.
- Common property – (1) Land generally, or a tract of land, considered property of the public that all persons enjoy equal rights; (2) property not owned by individuals or government, but by groups, tribes, or informal villages.
- Community property – Property acquired by either husband or wife or both during their marriage, other than that acquired by gift, descent, and devise, belongs to both as a community and not to each individually.
- Comparable replacement business – Per Ch. 5, a business or farm property* should be substantially the same as that acquired. For the purpose of determining a business replacement payment under this section, a comparable replacement business is one which, when compared with the business being acquired, is adequate for the needs of the business, is reasonably similar concerning all major characteristics and functionally equivalent with respect to: access to transportation for business operation, customer utilities and public services; building size required; condition; free of environmental conditions that may cause significant impact on business; land area; meeting all local, state, and/or

federal codes; state of repair; within reasonable proximity of business acquired.

* Farm property: adequate for needs of farmer and suited for same type of farm operation; farm operations only; and, soil quality, yield per acre, land area.

- Comparable replacement dwelling – Per Ch. 5, a dwelling that is currently available to the displaced person and, when compared with dwellings being acquired: is adequate and is decent, safe and sanitary (DSS) under Adm 92.04; is available to person regardless of sex, race, color, handicap, religion, national origin, or marital status of person maintaining a household, legal source of income, age, ancestry, sexual orientation or other applicable federal, state or local fair housing laws; provides same function and same utility as acquired dwelling, regarding; area of habitable living space, number and size of rooms, and size and utility of any garage or outbuilding within immediate surrounding yard; area is not less desirable than acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and is accessible to person's place of employment; type of construction, age or state of repair.
- Comparable replacement farm operation – Per Ch. 5, a replacement farm operation currently available to a displaced person and, when compared to the acquired farm operation: is adequate for needs of farmer and suited for same type of farm operation; meets applicable federal, state or local codes; similar in major characteristics and functionally equivalent with respect to: area is free of adverse environmental conditions, which may cause significant impairment of the farm operation; soil quality, yield per acre, land area, transportation access necessary for farm operation, utilities and public services; type of farm operation, condition and state of repair of farm buildings; within reasonable proximity of acquired farm operation to extent necessary.
- Comparable sale – A sale of real estate in actual market used in process of correlation and analysis of another similar property to determine its market value.
- Compensable damages – Those damages where compensation must be paid under condemnation law.
- Compensable interest – A property right, where if acquired for public purposes, would entitle owner to receive just compensation.
- Conclusive presumption – Statement of facts that must be accepted as conclusive evidence because law will not permit its contradiction; example: resolutions of public bodies as to necessity and location of a property to be condemned must be conclusively presumed to be correct.
- Condemnation – A process where private property is acquired for public use without owner's consent under powers of eminent domain; inverse condemnation: legal process that may be initiated by a property owner to compel payment of just compensation when their property has been taken or damaged for a public purpose.
- Condemnee – A person whose property is condemned.
- Condemnor – A body with authority to condemn property.
- Condition – A restriction placed on an estate or interest whereby it may be created, modified, or defeated.
- Consequential damages – A loss in value of a parcel of land, no portion is acquired, resulting from a public improvement.
- Conservator – A person appointed by the court to protect and preserve lands and property of an individual physically incapacitated or otherwise unable to handle their own affairs.
- Constructive notice – A notice of title conditions as found on public records.
- Contiguous – Near or close to, whether actually touching or not; generally refers to actual touching or bordering on.
- Contour – Line connecting points on a land surface or map with same elevation; example: water edges of a lake form a contour line.
- Control of access – A condition where right of owners or occupants of abutting land or rights of other persons to access, light, air, or view in connection with a public improvement is fully or partially controlled by public authority.
- Controlled access highway – Highway where abutting property owners have no right or only a limited right of direct access and where type and location of all access connections are determined and controlled by highway authorities.
- Conveyance – A written instrument that passes an interest in real property from one person to another may be a deed, mortgage, lease, but not a will.

- Corner influence – (1) Effect on a value of location at or in proximity to intersection of two streets; (2) increment of value resulting from such location or proximity.
- Corridor – A strip of land between two termini within which traffic, topography, environment, and other characteristics are evaluated for transportation purposes.
- Cost approach – An appraisal method, estimating replacement cost of a structure, less depreciation, plus land value.
- Cost of replacement less depreciation – The cost of replacement new at current prices, less a deduction for depreciation; deduction for depreciation is a total loss in value arising from physical, functional, and economic causes.
- Cost of reproduction – The cost of construction new of an exact duplicate or replica using same materials, construction standards, design, layout, and quality of workmanship.
- Cost to cure – A method applied to estimate a proper adjustment for damage is known as cost to cure; can be used when property has suffered damage that can be physically and economically corrected, e.g., through correction of drainage, replacement of fencing, reestablishment of physical access, replacement of sewage or water systems; under no circumstances can cost to cure measure of damage be applied if cost to cure exceeds diminution in value that would result if such a cure were not undertaken; however, if cost to cure is less than diminution in value of the remainder, cost to cure measure of damages must be used,” taken from Eaton Real Estate Valuation in Litigation.
- Covenant – An agreement written into deeds and other instruments promising performance or non-performance of certain acts, or stipulating certain uses or non-uses of property.
- Cow-year-long (CYL) – The number of head of stock that can be nourished properly for a full year on a given piece of land without harming natural vegetative cover; usually expressed by number of acres of land required for one adult cow or four or five adult sheep; ratio of cattle to sheep varies in different localities.
- CP – Construction Permit.
- Cross-connection – A connecting roadway between two nearby and generally parallel roadways.
- CSM – Certified Survey Map.
- Culvert – Any structure not classified as a bridge providing an opening under a roadway.

[D]

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- Damages – In condemnation, loss in value to remainder in a partial taking of property; generally, the difference between value of whole property before taking, and value of remainder after taking is the measure of value of part taken and damages to the remainder; two types of damages are recognized; direct and severance.
- Dedication – Setting apart by owner and acceptance by public of property for public use in accordance with statute or common law; no compensation paid by public.
- Deed – A legal instrument in writing which, when executed and delivered, conveys an estate or interest in real property.
- Deed of trust – A written instrument by which title to land is transferred to a trustee as security for a debt or other obligation.
- Deed, quitclaim – A deed conveying, without warranty, any title, interest, or claim that grantor may have in estate conveyed.
- Deed, warranty – A deed containing a covenant by grantor to grantee to warrant and defend title of the estate conveyed.
- Deferred maintenance – The existing but unfulfilled requirements for repairs and rehabilitation; contemplates desirability of expenditures but does not necessarily denote inadequate maintenance in past; exists to some extent in any operating property.
- Deficiency judgment – The difference between indebtedness sued upon and sale price or market value of real estate at foreclosure sale.
- Directional interchange – An interchange generally having more than one highway grade separation, with direct connections for major left turning movements.
- Dismissal with prejudice – Dismissal of an action after adjudication of its merits; final disposition, barring right to bring or maintain an action on same cause.

- Displaced person – Per Ch. 5, any person who moves from real property, or who moves personal property from real property that is required for a project or a program undertaken by WisDOT or a local public agency because of: denial of possession or use by owner in anticipation of acquisition by an agency, if removal is unrelated to a material breach of a rental agreement by tenant; property rehabilitation, conversion, demolition, or other related displacing activity; written notice of intent to acquire; written notice of intent to deny possession or use of rented property or to purchase real property, initiation of negotiations for, or purchase of, such real property; a person is also considered to have moved because of purchase when person occupies a property at time of initiation of negotiations, but moves before acquisition, if property is subsequently acquired.
- Displacing agency – Per Ch. 5, a condemnor, state agency, political subdivision of the state; an agency vested with eminent domain powers under Chapter 32, Wis. Stats.; acquiring real property in whole or in part for a public project, is a displacing agency, regardless of whether or not any or all of the statutory procedural steps necessary to exercise such power has been taken, or whether the property is acquired by negotiated purchase or by eminent domain; in a project being carried out by a person without eminent domain power, the condemnor, state agency or political subdivision of the state that is the principal public funding source for the project, shall insure compliance with the provisions of Adm 92 and the Uniform Act.
- Divided highway – A highway with separate roadways for traffic in opposite directions.
- Donation – Voluntary conveyance by owner of private property to public ownership and use, without compensation.
- Drainage area – Area that will drain to any given selected point.
- Drainage ditch – (1) Any open water course other than gutters, constructed beyond limits of cut or fill slopes; (2) depressed area within roadway given over to collection and handling of surface drainage within right of way.
- Drainage easement – An easement for directing flow of water.
- DSR – Design Study Report.
- Dwelling – Per Ch. 5, a single family house, a single family unit in a duplex, multi-family or multi-purpose property, a condominium or cooperative housing unit, a sleeping room, a mobile home, or other residential unit.

[E]

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- Easement – A non-possessing interest held by one person in land of another whereby first person is accorded partial use of such land for a specific purpose; an easement is an encumbrance on title that must be recognized when property is transferred.
- Economic rent – Per Ch. 5, rent that a property would most probably command in the open market, as indicated by current rents paid in same area as acquired property.
- Egress – Act of going out or leaving, emergence; opposite of ingress.
- Eminent domain – State statute says, “A right of government and others under Chap 32.02, Wis. Stats., permitting a taking of private property for a public purpose with payment of just compensation.” In practical terms, we describe it as the inherent power reserved by government to take private property rights, by due process of law, when necessity arises. When exercising this right, two basic requirements must be met; use must be public and just compensation must be paid to owner.
- Encroachment – The act of trespassing on the domain or another, all encroachment must be removed or accounted for before a highway or bridge project can be certified.
- Encumbrance – A claim, lien, charge or liability attached to and binding upon real property, such as a judgment, unpaid taxes, or a right of way; defined in law as any right to, or interest in, land which may subsist in another to the diminution of its value, but consistent with the passing of the fee.
- Escheat – A reversion of property to the state in the absence of an individual owner; usually occurs when a property owners dies intestate, and without heirs.
- Excess land – The remainder of land purchased that is not a part of the required right of way; acquired property is not excess until so declared by the Department of transportation (and approved by the Governor if over \$3,000).

- Existing patronage – Per Ch. 5, business from specific clientele or as evidenced by an annual net income during the two taxable years preceding the taxable year of an acquisition or during a more equitable period determined by an agency; patronage for a non-profit organization includes persons, clientele and community served or affected by the organization.
- 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 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.

[F]

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- Fair market value/market value – For eminent domain purposes and as referenced throughout the WisDOT Real Estate Program Manual (REPM), the terms "fair market value" and "market value," are synonymous; "fair market value" and/or "market value" may be generally interpreted to mean, "the amount property could be sold in the market on a sale by an owner willing, but not compelled, to sell, and to a purchaser willing and able, but not obliged, to buy;" Wis. Stat. §. 32.09 governs determination of "just compensation," and that "just compensation" takes into account fair market value, and in determining just compensation, the "most advantageous use," synonymous with "highest and best use," and present market value of the property standard should apply.
- Farm operation – Per Ch. 5, activity conducted mainly for the production of one or more agricultural products or commodities, or timber, for sale or home use and customarily producing these in sufficient quantity to contribute materially to a person's support. Also, reference "Business" definition above.
- FDM – WisDOT's Facilities Development Manual.
- Federal Highway Administration (FHWA) – A unit of the federal government that regulates expenditure of federal money for transportation purposes subject to their policies and procedures.
- Fee simple – An absolute ownership without limitations to any restrictions, subject to the limitation of eminent domain, escheat, police power, and taxation.
- Financial means – Per Ch. 5, the standard for determining if a dwelling is affordable when: owner occupant - acquisition price of a comparable replacement dwelling does not exceed sum of the payment for acquired dwelling and comparable replacement housing payment available under this chapter; tenant occupant - monthly rent of comparable replacement dwelling does not exceed monthly rent at displacement dwelling, after taking into account any rental assistance payment available under Chap. 5.
- Flood plain – Areas along waterways subject to overflow.
- Flow line – Profile of the low point on the inside of a drainage structure or channel.
- Freeway – An expressway with full control of access and all crossroads separated in grade from the pavements for through traffic.
- Friable – Easily reduced to powder or crumbled; non-pliable.
- Frontage road or frontage street – A local street or road auxiliary to and on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

[G]

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- General benefits – Benefits that accrue to the community at large, to the area adjacent to the improvement.
- Geometric design – Design of visible dimensions and elements of a highway or other public improvement.
- Geometric layout – A preliminary plan showing all general geometric features to be included in the proposed project without indicating detailed design information.
- Government survey – (1) The original rectangular system of subdividing public lands used by the federal government; survey consists of a systematic numbering of square townships referenced to a principal

meridian and accompanying base line; (2) a ground survey where land was divided into townships approximately six miles square, each township normal containing 36 sections and each section normally containing 640 acres; also referred to as U.S. Rectangular Grid System.

- Grade – (1) The slope of a surface, such as a lot or road, with a vertical rise or fall expressed as a percentage of the horizontal distance; example: a three percent upgrade means a rise of three feet per 100 feet of horizontal distance; (2) sometimes used in a sense of "on or at same level"; example: a crossing at street grade or a lot at street grade.
- Grade line – The slope in the longitudinal direction of the roadbed, usually expressed in percent, which is the number of units of change in elevation per 100 units horizontal distance; also generally used to mean the highway profile.
- Grade separation – A crossing of two highways, or a highway and a railroad, at different levels.
- Gradient – The rate of the rise or fall, the degree of inclination of a road; the grade.
- Grantee/grantor – Grant(ee): One to whom a grant is made; generally, the buyer; grant(or): one who grants property or property rights.
- Gross – Total with no allowances or deductions.
- Guarantor – One who makes a guaranty.
- Gutter – Any prepared open water course, whether paved or not, constructed inside shoulder line.

[H]

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- Harbor line – A line set by authorities on navigable rivers, beyond which wharves and other structures may not be built.
- Highest and best use – (1) The most productive use, reasonable but not speculative or conjectural, to which property may be put; (2) that use of property to produce income or benefits that when discounted to the present at the appropriate rate, gives the property the highest value.
- Highway – Includes all public ways and thoroughfares and all bridges upon the same.
- Highway capacity – A measure of the ability of a roadway to accommodate traffic; capacity of a roadway is affected by the composition of traffic, roadway alignment, profile, number and width of traffic lanes, adjacent development, vehicular speed, and weather.
- Highway development right – The right of owners to make changes in abutting property uses, which, if exercised, would be inconsistent with present and future highway needs.
- Highway easement – A right granted, or taken, which does not transfer fee title for the construction, maintenance and operation of a highway; the abutting landholders are assumed to own the fee to the centerline of the right of way and the right of reversion.
- Highway, street or road – A general term denoting a public way for purposes of vehicular travel, including entire area within right of way.
- Historic site – A building, monument, park, cemetery, or other site having public interest and national, regional, or state significance that should be considered in location and design of a highway.
- Historical cost – The total cost of a project based on prices at time of construction.
- Horizontal curve – A curve joining two straight portions of alignment.
- Household income – Per Ch. 5, total gross income received for twelve (12) months from all sources (earned and unearned) including, but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, and/or net income from a business; does not include income received or earned by dependent children and full time students less than eighteen (18) years of age; full time students may be considered dependent unless the person demonstrates otherwise.

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- Improvements – Additions to raw lands tending to increase value, such as buildings, streets, and sewer.
- Income capitalization approach – Estimating value by dividing net operating income by an overall capitalization rate.
- Ingress – The act of entering, entrance; opposite of egress; right to enter a tract of land; used interchangeably with "access."

- Interchange – (1) A grade-separated intersection with one or more turning roadways for travel between intersection legs; (2) a system of interconnecting roadways in conjunction with a grade separation or grade separations providing for interchange of traffic between two or more intersecting highways.
- Inverse condemnation – A legal process where a property owner may claim and receive compensation for the taking of, or damages to, their property as a result of a public improvement.
- Inwood coefficient – The present worth factor; value today of a series of annual payments of one dollar; each dollar of annual payment is composed of (1) interest and (2) a partial return of capital, but differs in that partial of capital is credited against original investment and decreases outstanding investment in like amount.
- Island – A defined area between traffic lanes for control of vehicle movements or for pedestrian refuge. Within an intersection, a median or an outer separation is considered an island.

[J and K]

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- Judgment – Decree of the court declaring that one individual is indebted to another and fixing the amount of such indebtedness.
- Jurisdictional Offer (J.O. or JO) – The first step in a condemnation process; final written offer and notice of pending condemnation delivered to the property owner prior to acquiring the property by eminent domain.
- Just compensation – In condemnation, the amount of the loss for which a property owner has established a claim to compensation.

[L]

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- Land use map – An overall map of a community or section of a community that reveals the natural and character of the land uses therein and the extent and density of each use.
- Land use regulation – Broadly, any legal restriction, such as zoning ordinances, controlling land uses; may include restrictive covenants or redevelopment or urban renewal plan controls needing to be approved by local governing bodies.
- Landlocked parcel – A parcel of land without access to any type of road or highway, usually associated with partial takings of land for highway purposes.
- Larger parcel – In condemnation, that portion of a property having unity of ownership, contiguity and unity of use; there are three conditions that must be present to establish the larger parcel for the purpose of considering the extent of severance damages in most states.
- Lateral support – Support that soil of an owner gives to his adjoining neighbor's land.
- Legal access – A right that an owner of land abutting a highway has to use highway for ingress and egress.
- Lien – A hold or claim that one person has over property of another, such as a security for a debt or a charge, judgment, mortgage, or tax.
- Lis Pendens – Notice of a suit pending.
- Local public agency (LPA) – A unit of government, county, city, village or township authorized to undertake a project where federal or state assistance is sought.
- Local street or road – A street or road primarily for access to residence, business, or other abutting property.
- LPA – Local Public Agency; an organization such as a municipality or county charged with responsibility for proper planning and administration of a development project.

[M]

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- Major highway project – A project, except a project providing an approach to a bridge over a river that forms a boundary of the state, which has a total cost of more than \$5,000,000 and which involves any of the following: (1) constructing a new highway 2.5 miles or more in length; (2) reconstructing or

reconditioning an existing highway by either of the following: (a) relocating 2.5 miles or more of the existing highway; (b) adding one or more lanes 5 miles or more in length to the existing highway; and (3) improving to freeway standards 10 miles or more of an existing divided highway having two or more lanes in either direction.

- Major reconditioning – Improvement of an isolated grade, curve, intersection or sight distance problem to improve safety; major reconditioning projects may require additional property acquisition.
- Market data/value approach – Appraising value of property by comparing price of similar properties recently sold.
- Market value/fair market value – In eminent domain and as referenced throughout WisDOT Real Estate Program Manual (REPM), "fair market " and "market" values are synonymous; "fair market" and/or "market" value is generally interpreted to mean, "the amount for which property could be sold in the market on a sale by an owner willing, but not compelled, to sell, and to a purchaser willing and able, but not obliged, to buy;" Wis. Stats. § 32.09 governs determination of "just compensation," and "just compensation" takes into account fair market value, and in determining just compensation, the "most advantageous use" also synonymous with "highest and best use," and present market value of the property standard should apply.
- Meander line – The line designed to follow the indentations of the bank or shoreline; a survey line to legally establish the bank or shoreline of a body of water.
- Mechanic's lien – A lien allowed by statute to contractors, laborers, and material men on buildings, or other structures where work has been performed or material supplied.
- Median – The portion of a divided highway separating traveled ways for traffic in opposite directions.
- Median lane – A speed-change lane within median to accommodate left turning vehicles.
- Median opening – The gap in a median provided for crossing and turning traffic.
- Meridian – (1) A great circle of the earth passing through the poles at any given point on the earth's surface; (2) in government survey, the true north and south lines.
- Metes and bounds – The limits and boundary of a tract of land; metes and bounds description usually is a description that uses bearings (the angles east or west of due north or due south) and distances (usually in feet or chains) to describe the perimeter of a tract.
- Mobile home – Per Ch. 5, includes manufactured homes and vehicles used as residences; 49 CFR Part 24, Appendix A, Sec. 24.2(a)(17).
- Monument – Visible marks left on natural or other objects by a surveyor to establish the lines and boundaries of land.
- Mortgage – Per Ch. 5, a lien given to secure an advance for the unpaid purchase price of real property, together with a credit instrument secured thereby.
- Moving expense/actual – Per Ch. 5, actual and reasonable expenses necessary to move a person and personal property including charges by public utilities for starting service, storage of property up to 12 months and necessary temporary lodging and transportation.
- Moving expense/optional fixed payment – Per Ch. 5, an alternate payment for moving; business or farm - fixed payment ("in lieu of" other actual moving expenses) for a business or farm operation is based on average annual net earnings and may not be less than \$1,000 or more than \$40,000; residential - payment for an occupant of a dwelling is based on the federal room schedule that includes a dislocation allowance.
- Multi-leg intersection – Intersection with five or more legs.

[N]

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- Narrative appraisal – Per Ch. 5, a detailed appraisal report where conclusions are supported and explained.
- Net income – The difference between adjusted gross income and operating expenses; may/may not include depreciation.
- Non-profit organization – Per Ch. 5, a corporation, partnership, individual or other public or private entity engaged in a legal business, professional or instructional activity on a non-profit basis and having fixtures, equipment, stock in trade or other tangible property on the premises and established as a non-profit organization under federal or state law.

[O]

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- Off-premise sign – An outdoor sign, display, or device advertising a service or product at a location other than on the property where such service or product may be obtained.
- Outer separation – The portion of an arterial highway between the traveled ways of a roadway for through traffic and a frontage street or road.
- Outlot – A parcel of land, other than a lot or block, so designated on a plat.
- Overhead easement – The right to use space at a designated distance above the surface of the land for power lines, aviation, and air rights.
- Overpass – A grade separation where the subject highway passes over an intersecting highway or railroad; also call "over-crossing."
- Owner – Per Ch. 5, a person who has an interest in a dwelling or real property to be acquired by a displacing agency in the form of the following: a contract purchaser of any estates or interests under this subsection; a fee title or life estate; a mobile home on a permanent foundation, or a mobile home which is not decent, safe and sanitary and cannot be moved without substantial damage or unreasonable cost or there are no replacement sites to where it can be moved; has succeeded to any of the interests under this subsection by devise, bequest, inheritance or operation of law, except the tenure of ownership, not occupancy, of a succeeding owner will include the tenure of a preceding owner; interest in cooperative housing including a right to occupy a dwelling; interest other than under this subsection, which is considered ownership by an agency or the department.
- Owner-occupant/business – Per Ch. 5, a person who is an owner of a property being acquired and is the owner and operator of a business or farm operation that was conducted on the property for at least one year before initiation of negotiations or the date of vacation when given a notice of intent to acquire, whichever is earlier.
- Owner-occupant/residential – Per Ch. 5, a person who is the owner of a property being acquired and occupies a dwelling on the property as a primary residence.

[P & Q]

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- Parcel plat – A map of a single parcel of project or portion thereof, showing boundaries, areas, remainder, improvements, access, ownership, and other pertinent information.
- [Parcel type definitions](#) – Terms typical to real estate acquisitions and appraisal processes.
- Partial taking – The taking of only a part of a property for public use under the power of eminent domain and for which just compensation must be paid, taking into consideration damages and/or special benefits to the remainder property.
- Perpetuity – Continuing forever; legally, pertaining to real property, any condition extending the inalienability of property beyond a lifetime or lives in being plus twenty-one years.
- Person – Per Ch. 5, an individual, family, partnership, corporation, association, business or farm operation, or non-profit organization.
- Personal property – State statute says, "*Tangible property located on real property but not acquired by an agency.*" In practical terms, we describe it as any property that is not designated by law as real property, and per Ch. 5, we also say "*...or fixtures*" when referencing "real property."
- Personal property "characteristics" – Moveable property items not permanently affixed to, or part of, the real estate; personal property is not endowed with rights of real property ownership; examples: furniture and furnishings not built into the structure, such as refrigerators and free standing shelves and items such as bookshelves and window treatments installed by a tenant that, under specific lease terms, may be removed at the termination of the lease.
- Personalty – Articles or properties that are not real estate.
- Planting easement – An easement for reshaping roadside areas and establishing, maintaining, and controlling plant growth thereon.
- Plat – A map or plan of small piece of ground showing the boundaries, area, remainder, improvements, access, ownership, and other pertinent information; synonymous with "parcel plat."
- PLE – Permanent Limited Easement.

- Plot – The action of drawing a map or plan of a single parcel of property.
- Plottage – The added value resulting from a combination of two or more parcels into a larger whole to develop one site having a greater utility than the aggregate of each when separately considered.
- Police power – (1) The inherent right of a government to pass such legislation as may be necessary to protect the public health and safety and for to promote the general welfare; (2) control by the state, under which public welfare is served and to which property rights are subject.
- Prepaid expense – Per Ch. 5, an item paid in advance by a seller of real property and prorated between a seller and buyer at time of closing on a property including property tax, insurance, assessment, fuel and utilities and others.
- Primary residence – Per Ch. 5, the dwelling occupied as a customary and usual place of residence but not a vacation dwelling; person occupies it for a substantial period before initiation of negotiations; it is evidenced by place of voter registration, address on a tax return, mailing address, rent receipt, proximity to work, school, utility and phone bill or other evidence acceptable to an agency.
- Private sale – Any sale or disposal that does not provide opportunity for a reasonable segment of the population to present an offer and have an opportunity to purchase; it is not publicly bid or advertised; such sales may be to an abutting landowner, a conveyance for a "mutual benefit", a conveyance to mitigate the cost of an acquisition, a conveyance to a municipality for a "public use;" see specific requirements for each; any private sale despite its value must be evaluated and documented according to this section; these sales shall be the exception, not the rule and strict adherence to procedures is required.
- Profile grade – The trace of a vertical plane intersecting the top surface of the proposed wearing surface, usually along the longitudinal centerline of the roadbed; either elevation or gradient of such trace, according to the context.
- Profile ground – A line indicating ground elevations of a vertical section along a survey line.
- Project planning – In right of way, it is the steps taken prior to acquisition that may include but are not limited to route selection, formal agreement with cooperating agencies, preliminary engineering, public hearing, and construction plan development.
- Pro-rate – To allocate between seller and buyer their proportionate share of an obligation or interest paid or due; example: a proration of real property taxes or fire insurance.
- Proximity damage – An element of severance damage caused by proximity of the remainder to the improvement being constructed.
- PS&E – Plans, Specifications and Estimate.
- Public financial assistance – Per Ch. 5, direct funding received from a public entity, such as: a private project, which is able to proceed because of governmental zoning changes, variances or related actions; another related public construction or improvement project receiving federal financial assistance covered under federal relocation regulation; demolition activity accomplished on a random basis if there is no planned public project for property affected; direct acquisition by a federal agency carrying out a federal program or project; an authority using its own funds for a project is not receiving public financial assistance.

[R]

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- R/W – Right of way.
- Railroad grade crossing – The general area where a highway and a railroad cross at same level, include the railroad, roadway, and roadside facilities for traffic traversing that area.
- READS – WisDOT's Real Estate Automated Data System.
- Real estate "characteristics" – Items installed or attached to the land or building in a rather permanent manner; all real estate improvements were once personal, but when attached to the land they become real estate; examples: land, buildings and fixtures, such as plumbing, lighting, heating and air conditioning in a residential property.
- Real property – Land and improvements on and to the land, estates in land, and fixtures or other personal property directly connected with the land.
- Realty – Real estate or property; a parcel of real property.

- Reclamation – The process of bringing economically unusable land to a higher dollar value by physically changing it; example: replanting a forest.
- Reconstruction – A total rebuilding of an existing highway to improve maintainability, safety, geometrics and traffic service; it is accomplished basically on existing alignment, and major elements may include flattening of hills and grades, improvement of curves, widening of the roadbed, and elimination or shielding of roadside obstacles; normally reconstruction will require additional property acquisition.
- Rehabilitation – Restoration of a property to satisfactory condition without changing the plan, form, or style of a structure; in urban renewal, the restoration to good condition of deteriorated structures, neighborhoods, and public facilities; may extend to street improvements and provision of such amenities as parts and playgrounds.
- Relocation – The process by which a federal agency, state, or Local Public Agency fulfills the statutory requirements for providing relocation services, moving cost payments and related expenses to individuals, families and business displaced by state or federally assisted programs.
- Relocation assistance – Advisory and/or financial aid to persons and businesses displaced by a public program to assist them in becoming re-established in areas not less desirable, at rents or prices within their financial means, and in dwellings that are decent, safe, and sanitary.
- Relocation order – An order providing for the laying out, relocation and improvement of a public highway. Order shall include a map or plat showing the old and new locations and the lands and interests required; a copy of order shall be filed with the county clerk and with the county highway committee of county where lands are located; relocation order establishes authority for agency to acquire land and interest described within relocation order.
- Relocation payment – Per Ch. 5, a payment under this chapter, including actual moving expense, a fixed payment in lieu of actual moving expense, purchase, rental and interest differential payment, down payment assistance and cost incidental to a purchase of replacement property; an agency may pay more than the minimum amounts under this chapter, provided the payments are uniform.
- Relocation plan – Per Ch. 5, a document prepared by an agency and submitted to and approved by the department before any property acquisition activity begins; a plan describes the relocation assistance and payments to be provided, and indicates whether displaced persons can be satisfactorily relocated.
- Remainder – Property remaining in possession of the owner after a partial taking in eminent domain.
- Remnant – A remainder of land so small or irregular that it usually has little or no economic value.
- Replacement housing payments (RHP) – Per Ch. 5, if necessary, limits may be exceeded and a greater payment calculated for the purchase or rent supplement under last resort housing, see section 5.5: owner – a purchase supplement not to exceed \$31,000, which when added to price paid by WisDOT for acquired dwelling, equals amount, if any, necessary to purchase a comparable decent, safe and sanitary (DSS) dwelling; tenant – a rent supplement not to exceed \$8,000, which when added to rent of subject site with utilities, equals amount necessary to rent a comparable DSS dwelling.
- REPM – WisDOT's Real Estate Program Manual.
- Retaining walls – Vertical concrete walls, usually constructed adjacent to the roadbed, normally located where restrictive right of way or design will not permit use of normal slopes in embankment or cut sections.
- Revocable permit – A conditional permit allowing an existing encroachment to remain on highway right of way; granting agency reserving right to spend/revoke permit at any time upon due notice being given; note: revocable permit cannot be issued until approved by department.
- Right of access – The right of an abutting landowner to enter or exit from a public road.
- Right of reversion – The right to repossess and resume the full and sole use of highway right of way upon official abandonment.
- Right of survey entry – The right to enter property temporarily to make surveys and investigations for a proposed public improvement.
- Right of way – (1) The right to pass across the lands of another; (2) land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- Right of way certification – A written certification that all real property rights necessary to effect proposed construction have been acquired; such rights could include fee title, easements, and permits for temporary uses such as construction work areas; detour areas, material disposal areas, and borrow sites.

- Right of way estimates – An approximation of market value of property (including damages if any) in advance of an appraisal.
- Right of way map – A drawing of a proposed or existing improvement showing its relation to adjacent property, parcels or portions thereof to be acquired, ownerships, and other pertinent information.
- Riparian rights – The rights of an owner of water-fronting lands in the bed, banks accretions, water, access, moorage, and related items.
- Riparian... literally "river bank" – body of law addressing owners who live adjacent to rivers or other bodies of water.
- Riprap – Slope protection located on steep-cut banks or embankments to eliminate occurrence of erosion, consisting of a thin concrete slab, grouted rock, wire fabric, or stone blankets.
- Roadbed – The graded portion of a highway, usually considered as area between intersections of top and side slopes where base course, surface course, shoulders, and median are constructed.
- Roadside – A general term denoting area adjoining outer edge of roadway; extensive areas between roadways of a divided highway may also be considered roadside.
- Roadside control – The public regulation of roadside to improve highway safety, expedite free flow of traffic, safeguard present and future highway investment, conserve abutting property values, or preserve attractiveness of landscape.
- Roadside zoning – Application of zoning for roadside control.
- Roadway – (1) The portion of a highway, including shoulders, for vehicular use (a divided highway has two or more roadways); (2) the portion of a highway within limits of construction.

[S]

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- Scenic easement – A restriction imposed upon use of property of grantor for purpose of preserving natural state of scenic and historical attractiveness of real property, which forbids execution of any advertising structure or new structure, or alteration of any structure without consent of the agency (grantee); easement may be granted or taken by eminent domain process.
- Schematic layout – The preliminary layout showing generally proposed method of providing for various traffic movements, not necessarily to scale.
- Scope of work – An amount and type of information researched and analysis applied in an assignment; scope of work includes, but is not limited to description of the appraisal problem; degree to which property is inspected or identified; extent of research into physical or economic factors that could affect property; extent of data research; and, type and extent of analysis applied to arrive at opinions or conclusions.
- Searching expense payment – Per Ch. 5, a payment to a displaced business or farm operation, not to exceed \$2,500 to compensate for actual and reasonable expenses in locating a replacement business or farm operation.
- Selected comparable – Per Ch. 5, a comparable dwelling, business or farm operation selected by an agency from one or more comparable properties as the most comparable for computing a replacement differential payment.
- Setback – (1) Refers to zoning regulations designating set back of building from front property line; (2) height upper floors of a building are recessed, or set back, from face of a lower structure; in tall buildings there may be more than one setback.
- Setback line – (1) The line outside right of way, established by public authority or private restriction on highway side where erection of buildings or other permanent improvement is controlled; (2) line established by law, deed restrictions, or custom, fixing minimum distance of exterior face of building, walls, and any other construction from a street or highway right of way line; see also "building line."
- Severance damage – Loss in market value to remaining property resulting from a partial acquisition.
- Shoulder – Portion of roadway contiguous with traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- Sideslope – Portion of roadway between outside edge of shoulder and adjacent drainage ditch, usually measured as a ratio of horizontal distance versus each foot of decrease in elevation.
- Sight-line easement – An easement for maintaining or improving sight distance.

- Slope – The inclined graded area beyond shoulder and extending from shoulder to natural and undisturbed surface of ground.
- Slope easement – An easement, either permanent or temporary, acquired to permit cutting or filling of real estate for highway construction.
- Special benefits – Benefits accruing directly and solely to advantage of property remaining after a partial acquisition.
- Structural layout – A bridge layout prepared on a structural plan-profile sheet, showing plan of proposed structure and a profile along centerline of proposed structure.
- Sub-base – The layer or layers of specified or selected material of designed thickness placed on a subgrade to support a base course, usually for a roadway.
- Subgrade – The top surface of a roadbed where pavement structure and shoulders are constructed.
- Subsurface easement – The right to use land at a designated distance below surface of land, such as for pipelines, electric and telephone circuits and cables, and storage facilities.
- Subsurface right – The right to use and profits derived from underground portion of a designated property, usually refers to right to extract oil, gas, other hydrocarbon substances, coal, and minerals or right to construct and maintain tunnels, subways, subcellars, pipelines, sewers, etc. as designated in grant; usually, grant includes a right of way over designated portions of surface.
- Surface easement – The right to use only the surface of land, such as for easements of access, flowage, or rights of way.

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- Tenant – Per Ch. 5, a person who occupies real property and has not been, or could not otherwise be dispossessed, except pursuant procedures under Chapters 704 and 799, Wis. Stats.
- Tenant-occupant/business – Per Ch. 5, a person who is a tenant-owner and operator of a business or farm operation that was conducted on the property for at least one year before initiation of negotiations or the date of vacation when given a notice of displacement from the agency, whichever is earlier.
- Tenant-occupant/residential – Per Ch. 5, a person who is tenant of a displacement dwelling and occupies dwelling as a primary residence.
- Title search – Investigation of public records to define nature of instruments relating to status/quality of title to ownership of a specific piece of real estate.
- TLE – Temporary Limited Easement.
- Topographic map – A map charting topography of earth's surface, using contour lines, tinting, or shading.
- Topography – Natural or manmade surface characteristics of a particular place or tract of land, especially exact and scientific delineation and description in minute detail of any place or region.
- Trade fixtures “characteristics” – Unlike fixtures regarded in law as part of the real estate, trade fixtures are not real estate endowed with rights of real property ownership; they are personal property regardless of how affixed; a trade fixture is to be removed by tenant when lease expires, unless right has been surrendered in lease, also known as a chattel fixture, examples: restaurant booths, gasoline station pumps, storage tanks, health club fitness equipment, plumbing, lighting, heating and air conditioning in an industrial building and industrial equipment, such as air hoses, water pipe lines, crane ways, etc.
- Traveled way – That portion of the roadway for movement of vehicles, exclusive of shoulders and auxiliary lanes.
- Trust – A fiduciary relationship where one holds property (real or personal) for benefit of another; party creating trust is called settlor, party holding property is trustee, and party for whose benefit property is held is called beneficiary.

[U and V]

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- Unchanneled intersection – An at-grade intersection without islands for directing traffic into definite paths.

- Underpass – The grade separation where subject highway passes under an intersecting highway or railroad; also called "undercrossing."
- Uneconomic remnant – The portion of land remaining after a partial acquisition that is so small or irregular is has little economic utility or value to owner; if acquisition creates a remnant, agency must offer to acquire that remnant.
- Unit rule – Sometimes called undivided fee rule, is a method for valuing property in eminent domain proceedings where property being acquired is subject to multiple ownership interests; compensation is determined based on fair market value of property as a whole, as if there were only one owner; once property's fair market value is determined, that value is apportioned among all those who hold an interest; division of value of the fee into separate interests cannot exceed amount of compensation to be paid by the condemning authority; unit rule is designed to protect interests of condemnor and not to protect interests of a condemnee.
- Unlawful occupancy – Per Ch. 5, occupancy by a person who has been ordered to move by a court of competent jurisdiction prior to initiation of negotiations for the acquisition of the property; at discretion of the agency, persons who occupy property without permission of owner may be considered to be in unlawful occupancy; technical violations of law and unlitigated violations of terms of a lease, such as having an unauthorized pet or withholding rent because of improper building maintenance, do not constitute unlawful occupancy.
- Utility charge – Per Ch. 5, the average monthly cost for space and water heating, lighting, water and sewer and trash removal, but not telephone service, internet service, cable or satellite TV.

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and Z]

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- Warranty deed – A deed conveying to grantee title to property free and clear of all encumbrances except those specifically stated in deed.

Quickly find any word or phrase by pressing **ctrl + f** keys, and then enter your search criteria.