FDM 12-1-1 Introduction

May 15, 2025

1.1 Originator

The Chief Surveying and Mapping Engineer is the originator of this chapter. All questions or comments regarding the content of this chapter should be directed to the Right-of-Way Plat Coordinator at (608) 243-3397.

1.2 General

Chapter 12 will explain the content and use of transportation project plats, traditional right-of-way plats and exhibits. The information in both Sections 1 and 5 will explain the common characteristics of the different types of acquisition maps and will also help guide the user in the determination of when to develop each specific type of product.

1.3 When Is a Plat or Exhibit Needed?

Under the current transportation project plat policy and Wis. Stat. s. 32.05(1), a relocation order (map or plat) is required whenever the total aggregate compensation for all property owners and utility relocations on a project is estimated by appraisal to be $1000 or more.

1.4 When to Use a Transportation Project Plat (TPP)

It is department policy to use the transportation project plat process whenever a permanent land interest is required. Permanent rights and interests may include such items as new highway right-of-way, permanent limited easements, access rights, highway easements etc. It is also department policy to use the TPP process in areas where it is necessary to delineate existing highway right-of-way. In areas where the right-of-way is vague or unknown, it is in the department's best interests to plat these areas so that in the future the department knows the exact location of the right-of-way limits.

This requirement currently pertains to only state highway, U.S. highway, and interstate highway projects as explained in the policy statement given in Attachment 1.1. Follow FDM 12-10 of this chapter when developing a transportation project plat.

Industry stakeholders advocated for creation of TPPs due to quality issues with traditional plats, past acquisitions not showing up in title reports, and better tracking through recording with the county register of deeds. Refer to Attachment 1.2 for a comparison between a TPP and a Traditional Plat.

1.5 When to Use a Traditional Right-of-Way Plat

In situations where a highway improvement project is being developed and only temporary interests are to be acquired, a traditional right-of-way plat can be utilized. In some cases, the plan & profile sheets can be used in lieu of a TPP or traditional plat. It is acceptable for local governments such as counties, towns, municipalities, etc. to use the traditional right-of-way plat process when acquiring lands or permanent rights or interests for a local road project. The use of a traditional right-of-way plat may also be used on any Connecting Highway project where a state, U.S., or interstate highway is involved. Follow FDM 12-15 of this chapter when developing a traditional right-of-way plat.

1.6 When to Use an Acquisition Exhibit

Acquisition exhibits may be utilized in specific situations where a highway improvement project is being developed. Two types of exhibits that can be used are TLE acquisition exhibits and advanced acquisition total buyout/protective purchase exhibits.

1.6.1 TLE Acquisition Exhibit

TLE acquisition exhibits can be used to acquire non-complex periodic temporary interests. The use of a TLE acquisition exhibit may be used on any state, U.S., or interstate highway project or Connecting Highway project. Follow the guidance provided in FDM 12-20-1.1 when developing a TLE Acquisition Exhibit.

1.6.2 Total Buyout/Protective Purchase Exhibit

Total buyout/protective purchase exhibits can be used to acquire advanced acquisition cases where the entire property may be needed for the highway project (partial acquisitions still require a TPP). In total-take situations, the region may opt to use a simple sketch or Exhibit in lieu of a TPP. Follow the guidance provided in FDM 12-20-1.2 when developing an advanced acquisition total buyout/protective purchase exhibit.

1.7 Aerial Imagery

Include aerial background imagery for all WISDOT real estate acquisition products. The imagery can be obtained through the WISDOT Imagery tab in Civil 3D. WROC imagery is streamed into Civil 3D via a WMS (Web Map Service) and may be captured for a specific area of interest and saved to a local image file. Imagery will be 12, 6, or 3-inch resolution depending on the county. The following link to the Civil 3D Knowledge Base provides instructions on how to access and use the tab (WisDOT Imagery tab). The pdf file(s) of the acquisition products must contain all applicable layers from the Civil3D drawing file. The imagery shall be on its own layer: ***E_MAP_Ortho***. The layers shall be able to be toggled on/off in the pdf file. For TPPs, the imagery will be removed from the pdf file that is submitted to the counties for recording.

LIST OF ATTACHMENTS

Attachment 1.1	Policy to File or Record Transportation Project Plats
Attachment 1.2	TPP vs. Traditional Plat Matrix

FDM 12-1-5 Existing Features

May 15, 2025

Existing features are an important aspect in the development of comprehensive right-of-way plats and exhibits. Since the acquisition maps are normally developed at the same time as the highway plans, there are many features that will impact the proposed highway improvement. Following is a list of features that need to be located/researched for the map preparer to assess the land interests required (fee, access control, permanent limited easements, temporary interest, etc.).

5.1 Access Control

Existing access control shall be determined from previous department projects (right-of-way and access control plats), city and town records, title reports, covenants, certified survey maps, and subdivision plats (see Chapter 7, Access Control) and shown on the highway improvement plat, not on an Exhibit. The Highway Access Management System (HAMS) application is also a useful tool for WisDOT staff for researching existing access controls.

5.2 Easements

Most existing easements need to be shown and referenced on all plats and exhibits. These may include restricted development easements, scenic easements, permanent limited easements, vision corner easements, etc. Permanent property easements such as ingress/egress easements, drainage easements, etc. shall also be shown and referenced on the plat or exhibit.

The one exception to this guideline pertains to utility easements. The physical location of the utility facilities or the easement information of existing utility easements shall not be shown on the plats and exhibits. Provide a separate pdf document of the highway improvement plat or exhibit that contains the physical location of all existing utility easements. All other easements relating to highway interests, that are located within a land acquisition area, shall be shown, and referenced on the plat or exhibit.

5.3 Existing Monumentation

Determine which Public Land Survey System corners, monuments from platted land surveys or other surveys of record, and other survey monuments that are needed for the project. Coordinate activities with the region survey unit and/or county surveyor to locate the appropriate corners and monuments (see Chapter 9, Surveying).

5.4 Existing Right-of-Way

For projects constructed within existing un-monumented right-of-way, the re-establishment and monumentation of right-of-way lines is encouraged.

In situations where the existing right-of-way boundaries are not monumented, re-establish the existing right-of-way from available evidence. In these cases, evidence needs to be evaluated from the following sources:

- Existing field evidence (found monumentation from prior plats, platted land surveys or other surveys of

record, right-of-way posts, fences)
- County courthouse documents (deeds/conveyances, awards, prior transportation project plats, platted land surveys or other surveys of record)
- County clerk documents (right-of-way plats)
- County highway department (town and county road records)
- Department records (prior project alignments, prior construction plans, plats, and survey notes)
- Records of military, territorial, and plank roads

See FDM 9-50, Alignments, for further resource information.

5.5 Existing Roadway Location

Coordinate with the region survey unit to have the existing mainline, side-road alignments and existing monumentation located (see FDM 9-50, Alignments, for further resource information).

5.6 Property Owners' Names and Descriptions

Ownership and property descriptions may be determined using last deed of record, and/or a complete title report. For title report reference, see FDM 12-1-10, Title Report.

5.7 Topography

Coordinate with the survey unit to locate any topographic features that may impact right-of-way acquisition.

FDM 12-1-7 Utilities

May 15, 2025

As of February 2025, there is a new policy for acquiring utility land interests and/or rights via the real estate process. The new process simplifies the plat, ensures the appraisal analysis and valuation adheres to the Unit Rule, allows for condemnation of utility interests, and eliminates the need for utility related plat amendments. Utility information will no longer be shown on the plat, but rather on a separate document called a Utility Exhibit. For more information on the required Utility Exhibit, see Chapter 8, Utility Exhibit, in the Wisconsin Guide to Utility Coordination. For local program (LPA) and Connecting Highway guidance, see FDM 12-10-2.

FDM 12-1-10 Title Report

May 15, 2025

A Title Report is a chronological report of encumbrances against a property. Every area and situation may be different. Easements may require more extensive research to the early 1900s.

Encumbrances may include deeds, awards, land contracts, mortgages, easements, tax liens, mineral rights, forest croplands, bankruptcy, etc. If a parcel is in bankruptcy, notify the district real estate unit immediately.

Some reasons for reading a Title Report are to use the legal description from the deed(s) to lay out the property boundaries and to determine who has interests or encumbrances in the property.

Easements and other encumbrances shown in the Title Report shall be read to see if they have any impact on the rights to a parcel.

Contract with a title company to prepare the title searches and updates in accordance with the DEPARTMENT's specifications attachment (Wisconsin Department of Transportation Real property title searches (wisconsindot.gov).

FDM 12-1-15 Types of Acquisition

February 16, 2026

In order to construct new highway improvement projects, the department may need to acquire rights and interests in the land being used for these projects. The design unit shall coordinate with the real estate unit to determine the type of interest to be acquired. Notwithstanding ss. 82.03(5)(a) and 82.35 stats, the following definitions and criteria for selection of interests to be acquired are applicable to all projects administered by the department.

15.1 Fee

Acquisition in fee is the full and complete acquisition of the land, including all rights and interests that run with the land. There are no reversionary rights. This is the preferred type of interest to be acquired for permanent highway right-of-way. Fee acquisitions must be shown on the highway improvement plats and exhibits for total buyout/protective purchases. The area of the fee acquisitions must be shown in the Schedule of Lands and Interests Required table. The exterior boundaries of the new permanent right-of way acquisition shall be shown

with a bold solid line. The area between the new highway right-of-way and the existing right-of way shall be hatched. Station and offsets shall be shown on the highway improvement plats at the angle points of the new right-of way. Bearings and distances shall be shown for the boundaries of the new right-of way.

In cases where an easement exists between the owner of the lands and the state for lands being used for highway purposes, these lands will be acquired in fee at the time of any new highway improvement. By showing the acreage of these lands as existing lands in the Schedule of Lands and Interests Required table and also in the total of the lands required for the project. WisDOT is acquiring all of these lands by fee from the property owner. The value of these lands is minimal to the property owner since they are currently being used for highway purposes.

15.2 Highway Easement

A highway easement (HE) is the acquisition of interest in property for highway purposes. The property remains on the county tax records, but its use is denied to the owner as long as the property is used for highway purposes. This type of acquisition is used only in rare instances where fee acquisition cannot be accomplished, usually involving small non-complex acquisitions or acquisitions from another public agency, semipublic agency or Native American Nation. This method is particularly well suited for acquiring land interests from the Wisconsin Department of Natural Resources (DNR), railroads, or federal agencies and for the acquisition of contaminated parcels. Highway easement acquisitions must be shown on the highway improvement plats. The area of the highway easement acquisition must be shown in a separate column in the Schedule of Lands and Interests Required table. The exterior boundaries of the new highway easement acquisition shall be shown with a bold solid line. The area between the new highway easement and the existing right-of way shall be hatched. Station and offsets shall be shown on the highway improvement plats at the angle points of the new highway easement. Bearings and distances shall be shown for the boundaries of the new highway easement.

15.3 Permanent Limited Easement

A Permanent Limited Easement (PLE) is a permanent acquisition for a specific purpose. It is typically used for construction outside the normal right-of-way that does not seriously impair the property owner's use but does require occasional access for maintenance purposes. Some typical applications are riprap of drainage ditches, channel changes, yard drains, culvert outlets, and construction of storm sewer outfall lines. This type of acquisition is also used in areas where the acquiring agency will jointly use the same lands with others: e.g., the Department may have need for periodic access to land as does the Department of Natural Resources, railroads, or utility companies. A PLE requires compensation in most cases. Permanent limited easement acquisitions must be shown on the highway improvement plats. The area of the permanent limited easement acquisition must be shown in a separate column in the Schedule of Lands and Interests Required table. The permanent limited easement acquisition shall be hatched. Station and offsets shall be shown on the highway improvement plats at the angle points of the PLE. Bearing and distances shall be shown for the boundaries of the PLE. Identify the purpose of the PLE on the highway improvement plats. PLE purpose notes can be stated once on a page rather than identifying the purpose of every PLE.

15.4 Access Rights

Access rights (AR) are the rights to control the entrance upon and departure from a public highway (see FDM 12-5-5).

15.5 Temporary Limited Easement

A Temporary Limited Easement (TLE) is an interest in land and must be used whenever the department has a need to temporarily use a portion of the property owner's lands in order to construct the highway project. It is most appropriate when the owner's private use of the land will not damage or impair the use and utility of the highway. This type of instrument is typically used for temporary construction such as a bypass road around a structure site, ADA-compliant ramps, and for construction outside the normal R/W that does not require future maintenance. Temporary Limited Easements should not be used for cut and fill slopes with a "rural" type cross section. This requires a permanent type of acquisition.

TLE forms (RE1577) are available on the Real Estate Program Manual/Forms webpage. TLEs must be shown on the highway improvement plats and exhibits with the area values shown in a separate column in the Schedule of Lands and Interests Required table. They must be identified and cleared as part of the project's right-of-way certification. The Temporary Limited Easement acquisition shall be hatched. Station and offsets shall be shown on the highway improvement plats to the angle points of the TLE or show a perpendicular distance from a right-of-way boundary with a leader line. Identify the purpose of the TLE on the highway improvement plat and exhibit. TLE purpose notes can be stated once on a page or exhibit if the purpose is applicable for all the TLE acquisitions shown rather than identifying the purpose of every TLE.

The designer shall request that the real estate staff use and record a temporary limited easement when they

become aware that the current owner is likely to sell the property prior to construction, or when condemnation is necessary to acquire the interest. This type of acquisition normally requires compensation and usually is used in conjunction with a fee acquisition when a permanent interest is not necessary for the easement area. See the Real Estate Program Manual, Section 3.4.2.

15.5.1 Construction Permit

A Construction Permit (form RE1732) available on the Real Estate Program Manual/Forms webpage is not an interest in land. It is an agreement between the property owner and the department that gives WisDOT the right to temporary use of a small portion of property, normally for the purpose of making the property compatible to the roadway. A construction permit may be used for such purposes as the reinstallation of a driveway entrance, decreasing the slope of a driveway, or matching lawns to sidewalks or slopes. Since a construction permit is typically for the benefit of the owner, most do not require compensation. Construction Permits should indicate that the department's right to enter the property will terminate upon either a specified date (to be determined by the department) or upon completion of construction, whichever comes first. The identified date should not exceed 5 years. For any term beyond 5 years, a new Construction Permit should be executed.

Construction Permits can be obtained only with the cooperation of the owner and cannot be used for condemnation purposes. Such permits do not transfer a legal interest in real property as defined in s. 84.09(1) stats and therefore Chapter 32 does not apply. If an owner refuses to sign a permit, the department will abandon its request and refrain from entering on that portion of the owner's property or acquire a TLE interest. Construction Permits identified during the negotiation stage should be shown on the final construction plan and mentioned in the Statement to the Construction Engineer. Typically, Construction Permits are not recorded. See the Real Estate Program Manual, Section 3.4.2 for further guidance.

15.6 Scenic Easement

A Scenic Easement is an interest acquired from private property for the conservation and development of roadside views and natural features. The view or feature may be located on public property, such as a river, or on private property, such as a bluff. Scenic Easement acquisitions must be shown on the highway improvement plats. The area of the scenic easement acquisition must be shown in a separate column in the Schedule of Lands and Interests Required table. The Scenic Easement acquisition shall be hatched.

15.7 Restricted Development Easement

A Restricted Development Easement (RDE) is a permanent acquisition that gives the right to control and restrict development on private property. Examples are the acquisition of rights to preserve sight distance at a highway intersection; to prohibit building construction on lands that might later be needed for highway improvements; thus preserving land needed for future highway work while leaving it in private ownership for the present. Restricted development easement acquisitions must be shown on the highway improvement plats. The area of the restricted development easement acquisition must be shown in a separate column in the Schedule of Lands and Interests Required table. The Restricted Development Easement acquisition shall be hatched. Station and offsets shall be shown on the highway improvement plats at the angle points of the restricted development easement. Bearing and distances shall be shown for the boundaries of the RDE. Identify the purpose of the restricted development easement on the highway improvement plats. See Attachment 16.1 for example. Refer to FDM 12-10 Attachment 20.1 for additional verbiage to be included in the parcel description when an RDE is being acquired.

15.8 Air Rights

Air rights are included in the fee acquisition of lands. The department may lease this space above, at, or below the grade line of a highway for private development. Also, the department may obtain an easement for the use of air rights on private, utility, or public land for the development of facilities such as elevated highways and airports.

15.9 Advertising Rights

Advertising rights give the right to control and restrict the placement of outdoor advertising signs along highways. Sign acquisition plats are required by control of advertising laws for acquiring affected signs and sites along certain highways. They may be developed to acquire a particular category of signs in a specific county or to acquire various categories of signs from a particular sign company throughout a defined area (county, counties, statewide). For a discussion of the control of outdoor advertising as a real estate function, see the Real Estate Program Manual. For further guidance on the development of sign acquisition plats, please contact the Region Office.

15.10 Order of Importance

When more than one interest is to be acquired for one parcel, the sequence of interests to be stated on the

instrument of conveyance is as follows:

1. Fee
2. Highway Easement (HE)
3. Permanent Limited Easement (PLE)
4. Access Rights (AR)
5. Temporary Limited Easement (TLE)
6. Scenic Easements
7. Restrictive Development Easement (RDE)
8. Air Rights
9. Advertising Rights

15.11 Covenants and Agreements

A covenant is an obligation or reservation that runs with the land. All covenants must be recognized and included in the deed or conveyance.

Agreements involving things to be done by either the grantor or the department (such as commitments that would ordinarily appear in a purchase agreement) and which will be fulfilled and satisfied by performing the obligation will not be included in the deed or conveyance. Such items are not satisfied by execution or delivery of a deed/conveyance, since they have no effect upon the title to the land itself and thus do not merge in the deed/conveyance. Such clauses should be written in a purchase agreement. They remain continuing obligations under the terms of the purchase agreement until fulfilled.

FDM 12-1-16 Waterway Rights *May 15, 2026*

In the event the Department needs to acquire lands adjoining a river, stream or creek and the adjacent property owner's deed states the owner has title to a portion of the waterway; it is necessary to clear title not only for the acquired land parcel but also any rights the owner has in the waterway. When showing this situation on a plat; property line labels shall be shown along the appropriate lines described in the owner's deed. The name and flow direction and limits (banks, ordinary high-water mark, water's edge) of the waterway shall be shown. The hatching for all types of acquisitions shall be used for the land parcel and shall extend to the boundary defined in the owner's deed. This applies whether or not the waterway is navigable or non-navigable. In the Schedule of Lands and Interests Required table the total acquisition area for both the land parcel and the area in the waterway shall be included in the new right-of-way acres required column and the total column. If a highway easement (HE), Permanent Limited Easement (PLE) or Temporary Limited Easement (TLE) is being acquired, the total acquisition area for both the land parcel and the area in the waterway shall be included in the appropriate interest type column. There shall be a note with a leader line pointing to the waterway area shown in the detail area of the plat containing the acreage that is determined to be in the waterway area. The area of the land parcel can be determined by subtracting the waterway area value from the total value shown in the Schedule of Lands and Interests Required table. Attachment 16.1 shows both a depiction of the boundary line being within the waterway and at the water's edge.

LIST OF ATTACHMENTS

Attachment 16.1 Waterway Example Plat

(Larger image available upon request)

FDM 12-1-17 Right of Way Plat Workflow *May 15, 2025*

The Right-of-Way Plat Workflow is intended to aid the plat preparer and others during the different phases of plat development. The workflow will not cover all situations. It will act as a general guideline for the different acquisition products. The information below details the recommended time frames, purpose, requirements, and deliverables for the different submittals.

Draft Plat/Exhibit(s) (Base Plat)

- Plat unit review of existing/current information prior to project design being added:
  - Review existing RW corridor.

        - Review Existing Topo (buildings, driveways, access easements)
        - Review existing property and minor lot lines.
        - Check Existing RW dimensions (existing Reference/Center lines)
        - Review sheet layout (Scale and Orientation).
        - Review USPLSS land lines and Section Corners
        - Platted lands (Subdivision plats including lots and blocks, Assessors plats including lots and blocks, Certified survey maps including lots, Government lots, Recorded private claims, Vacated Roads, etc.).
- Not typically required and not part of standard/regular contract or specials
- Used when questions or difficulties arise establishing the existing RW corridor.
- May benefit larger projects.

Preliminary Plat and Exhibit(s)

- Submittal timeframes:
    - Exhibits and Simple (Non-Complex) TPP / Traditional Plat
        - 4 Months prior to signed Design Study Report (DSR)
    - Medium Complexity TPP(s) and Traditional Plat(s)
        - 6 months prior to signed Design Study Report (DSR)
    - Complex TPP(s) and Traditional Plats
        - 12 months prior to signed Design Study Report (DSR)
- Purpose/Use:
    - Plat Unit cursory review:
        - Review sheet layout (Scale and Orientation).
        - Review existing / proposed RW lines.
        - Review existing property and minor lot lines.
        - Review USPLSS land lines and section corners.
        - Review existing topo (buildings, driveways, access easements)
        - Check existing RW dimensions (existing Reference/Center lines)
        - Platted lands (Subdivision plats including lots and blocks, Assessors plats including lots and blocks, Certified survey maps including lots, Government lots, Recorded private claims, Vacated Roads, etc.).
    - Review by other functional areas (Real Estate, PDS, Access, environmental, Railroads, etc.)
    - Used to develop updated real estate acquisition estimates.
- Deliverables:
        a) Cadd file submittal for PDS containing existing and proposed RW line work (in-house design projects, used for preliminary plan set, when design consultant is different than plat consultant).
        b) Plat PDF with FDM Preliminary Plat Requirements – See FDM Checklists
        c) Preliminary Utility Acquisition Exhibit

Final Plat/Exhibit(s) for Review

- Submittal timeframes:
    - Typical TPP(s), Traditional Plat(s) and Exhibit(s)
        - 2 months prior to signed Design Study Report (DSR)
    - Complex TPP(s) and Traditional Plat(s)
        - 4 months prior to signed Design Study Report (DSR)
- Purpose/Use:
    - Plat Unit full review prior to recording final Plat.
        - Review plat for compliance with statutory and FDM requirements.
    - Review by other functional areas (Real Estate, PDS, Access, environmental, Railroads)
    - Used for Real Estate/Plat review meetings.
- Requirements
    - See FDM 12-10, FDM 12-15 and FDM 12-20 (whichever section is applicable).

- Deliverables
    a) Draft Final Plat/Exhibit(s) PDF with Aerial image included.
    b) Final acquisition descriptions for Traditional Plats and Exhibits
    c) Preliminary acquisition descriptions for TPPs
    d) Closure Reports
    e) Final Utility Acquisition Exhibit
    f) Title Reports (if ordered by consultant)

Final Plat/Exhibit(s) for Recording/Filing

- Deliverables
    a) Revised Final Plat/Exhibit(s) for Recording/Filing of Relocation Order

After Recorded/Filed Plat/Exhibit(s)

- Deliverables
    a) Final acquisition descriptions for TPPs
    b) CADD Files:
        - Civil 3D design files
        - ACAD file for GIS (See FDM 12-1-35)
    c) Survey Files:
        - CSV or LandXML files

For Larger Projects, there is an Excel spreadsheet containing the schedule of lands and interest information – SE Region.

FDM 12-1-20 Encroachments on Highway Improvement Projects *August 17, 2020*

20.1 Definition

An encroachment is any unauthorized object located partially or wholly within the highway right-of-way. This includes but is not limited to buildings, signs, fences, or other objects as well as any unpermitted uses such as parking lots, driveways, etc.

20.2 Policy Statement

The following procedure is intended to be used for highway improvement projects. It is not intended to be used as a universal procedure for all encroachments.

Typically, encroachments are not to be allowed within state highway right-of-way. It is the responsibility of the department to maintain the highway right-of-way free and clear of encroachments, particularly those in rural areas. A revocable permit may be issued for an existing encroachment. Encroachments should not be created by the purchase of new right-of-way for a project.

20.3 Procedures for Existing Encroachments

The Region Office or their consultant shall locate, identify, and prepare a list of all existing encroachments that fall within the design criteria applications below on a project during the project definition phase. All appropriate region sections shall review this list of encroachments to determine how each encroachment will be handled. Encroachments will be evaluated on the basis of their effect on operations and safe flow of traffic. The construction plan shall show all encroachments on projects that have identified encroachments. The permitting process will be completed prior to, or concurrently with the real estate acquisition process. Existing encroachments can be handled in one of three ways.

Specific guidance regarding improvement strategy and design criteria application is as follows:

- For S-1 application areas that do not involve right of way purchases, encroachment identification and evaluation is not required.
- For all S-2 and S-3 application areas all encroachments should be removed to the right of way line.
- All encroachments should be removed for new right of way purchases.

- All building structures that have been identified to be on right of way shall be removed or issued a revocable occupancy permit.

20.3.1 Removal Ordered

If it is determined that the encroachment must be removed, the Region Office shall contact the owner(s) of the encroachment as well as the fee owner(s) of the property to seek a voluntary removal. If the encroachment is not removed after 30 days, a Finding, Determination, and Order will be sent to the owner(s) and the provisions of s. 86.04 stats. will be followed to effect removal.

20.3.2 Revocable Occupancy Permit

A permit may be issued, and the encroachment allowed to remain, if all the following criteria are met.

- The encroachment will not impair the highway function or interfere with the free and safe flow of traffic.
- The encroachment is of a permanent nature or is actively used and properly maintained.
- It does not conflict with the broader public interest.

Notwithstanding the above criteria, revocable occupancy permits may not be granted for free-standing signs or outdoor advertising structures located totally within the highway right-of-way. A permit also may not be granted for any appurtenance which is less than 8' 0" above the sidewalk grade or less than 2' 0" from the front face of the curb.

20.3.3 Sale or Lease of Highway Lands

The land on which an encroachment is located may be sold if the Region Office determines that it is not needed for present or future highway purposes and it is in the best interest of the state. If the land is to be sold, the sale will be accomplished in accordance with established procedures.

A lease may be appropriate in cases where the land is not needed for the present highway facility but may be needed in the future. The procedure described in the Real Estate Program Manual will be followed when leasing lands. Encroachments located in the leased area will be authorized as a condition in the lease. The lease will contain language similar to that found in the revocable permit relating to the conditions under which the encroachment may exist or could be revoked.

20.4 Procedure for Permits

It is the policy of the Division of Transportation Systems Development that no encroachments will occupy highway right-of-way. Existing encroachments that do not interfere with the safe and efficient movement of traffic may be allowed to temporarily remain in place if removal would be impractical or would create a hardship on the owner.

The following procedure is established for allowing encroachments to remain via permit.

1. The Region Office or their consultant will identify all encroachments on a project as part of the project development process.
2. Region project development staff will then identify all encroachments which must be removed based on safety considerations. Also, in concert with other appropriate region sections, they will identify those encroachments that can remain by Revocable Occupancy Permit (form "RE1551" available on the Real Estate Program Manual/Forms web page (the Real Estate Program Manual/Forms webpage).
3. Region project development staff recommends to the region project development chief that certain encroachments be permitted to remain by revocable permit. All such recommendations shall be done on a project basis, not individually. The recommendation shall include the following information:
    - Names of the owners of the encroachment and the adjacent land.
    - A description and photograph of the encroachment.
    - A copy of the construction plan showing the location and a sketch of the encroachment indicating distances to the existing or proposed right-of-way lines and the reference line of the proposed highway.
    - Any other pertinent information as deemed necessary or helpful in determining what appropriate action should be taken.
    - A statement that allowing the encroachments to remain will not conflict with public interest and will not impair the highway or interfere with the free and safe flow of traffic. There should be no encroachment into proposed clear zones or vision corners. The request should describe clear zone dimensions and/or vision corner dimensions as appropriate.

4. The region project development chief will review the recommendation, make the appropriate determination and advise the region project development staff of the decision.
5. Region staff or local units of government (for connecting highways) will issue revocable permits where encroachments are allowed to remain.
6. Region staff or local units of government (for connecting highways) will work with owners to have nonpermitted encroachments removed.
7. At plan due date time, the Region Real Estate Supervisor or Region Technical Services Manager certifies the status of all encroachments remaining on the project. The Manager advises when each will be removed or if certain encroachments will be allowed to remain under permit. For multiple encroachments located on one site, a revocable occupancy permit shall be prepared for each encroaching item. For example, an encroaching building with two overhanging signs would require three permits.

   Revocable occupancy permits typically are not issued for the following items unless special exceptions are granted.

   - Abandoned buildings.
   - Free standing signs with bases wholly on the right-of-way.
   - Underground fuel tanks located within the right-of-way.
   - Proposed encroachments.
   - Encroachments created due to the purchase of new right-of-way.
   - Well and septic.

See Attachment 20.1 for a sample of a Revocable Occupancy Permit.

20.5 Local Public Agency Projects

Appropriate local public agencies (LPAs) may issue revocable occupancy permits for highways and streets maintained under their authority in accordance with their own policies and procedures. Documentation and resolution of encroachments will be included in the Design Study Report (DSR). See FDM 11-4 for further information on DSR completion.

The encroachment report shall include the same information as required by region staff for state trunk highways. If occupancy by revocable permit is denied, the local unit of government will take steps to have the encroachment removed. If a revocable occupancy permit is issued by the LPA, the permit may be recorded at their discretion.

LIST OF ATTACHMENTS

Attachment 20.1 Revocable Occupancy Permit

FDM 12-1-25 Surplus Lands on Highway Right-of-Way *November 15, 2019*

25.1 General

The policy of the department is to acquire only those lands necessary for transportation purposes. However, there are circumstances when land becomes surplus because of the facilities development process. On all active maintenance and improvement projects, region staff shall identify land areas no longer needed for transportation purposes. They shall also inventory and determine a value of those land areas which, in their judgment, are of reasonable size, shape, and market potential. If these land areas are saleable, the department shall declare them as excess land and dispose of them whenever possible.

25.2 Definition

Surplus land is land under the jurisdiction of the department that is unused and not anticipated to be needed as right-of-way for transportation purposes. Surplus land may result because:

- Lands were originally purchased for transportation purposes and are no longer needed.
- Uneconomic remnants were purchased from a property owner during real estate acquisition activities. These parcels were known to be surplus at the time of purchase, but purchasing was necessary to make the property owner whole and to complete the acquisition.
- A property owner requests to purchase a land area that was not previously identified as surplus land due to its insignificant size or value. Such a land area may be identified as surplus land and so inventoried by the region real estate unit at the time of the request.

25.3 Projects to be Evaluated

The Region Office will evaluate the right-of-way on all improvement projects within its boundaries. Even those projects for which no right-of-way interests are being acquired will have their existing right-of-way evaluated to identify potential surplus land. In addition, all state highway facilities shall be reviewed for surplus lands if any of the following situations arise:

- Design engineering is authorized for the section of road.
- An inquiry is made about a particular land area.
- A request for purchase is initiated.

25.4 Process for Identification

Identification of surplus land should take place by a team of representatives, as appropriate, from the region project development and technical services sections. The most appropriate time would be prior to or concurrent with submitting the PS&E to the Bureau of Project Development. At this point, uneconomic remnants will have been identified and future design changes will be minimal.

When a PS&E is submitted to the Bureau, region project development staff shall identify all surplus lands for that project on a copy of its most recent plat. This marked-up plat shall be submitted to the region real estate unit. This plat should show the following categories of surplus lands:

- Surveyed and platted remnants.
- Surplus land areas that are cost effective to survey and plat.
- Surplus land areas that are not cost effective to survey and plat.

Region Office real estate staff will evaluate the categories on the Surplus Lands, inventory and determine their value.

NOTE: This process may have to be repeated after the project is built if construction activities have altered right-of-way needs along the highway.

This process to evaluate a project for surplus lands should be documented in the project file. If surplus lands are identified, a copy of the information sent to the region real estate unit identifying the surplus lands shall be retained in the design project file. If no surplus lands exist, place a general statement in the project file stating all of the right-of-way should be retained.

25.5 Evaluation Criteria for Right-of-Way

In the evaluation of surplus lands, the collective judgment of the Region Office project development and technical services staff, regarding the present and future right-of-way needs, may be necessary. Engineering or maintenance criteria that should be considered may include, but not be limited to, the following:

- Reasonable slopes
- Maintenance needs
- Safety
- Preservation of sight distance
- Noise corridors
- Potential mitigation lands
- Future public utility needs
- Land for a potential future improvement (e.g., adding a lane, an interchange, sidewalks, bike paths, or permanent drainage facilities)
- Controlled access issues
- Detention ponds for water quality
- Erosion control
- Landscaping needs

FDM 12-1-30 Final Monumentation of Right of Way & Permanent Easements *May 15, 2025*

The monumentation of department lands is required to preserve the location of highway boundaries for future use by the department and others. Monument the right-of-way when all the acquisitions have been acquired for the project and Right-of-Way certification has been completed. Submit an As-Staked Monumentation Report which includes the following information to the Region office:

- A letter or cover sheet with
    - The project ID, title, limits, highway, and county
    - The date(s) when the work was completed.
    - The signature and PLS stamp of the surveyor who was responsible for the work.
- A map / copy of the plat sheet or a spreadsheet indicating the location(s) and type of monument(s) that were set. The size, shape, and material of the monument shall be included on the plat sheet or in the spreadsheet. The As-Staked Monumentation Report shall be prepared in the same datum and adjustment as the acquisition plat.

File a copy of the As-Staked Monumentation Report at the appropriate County Surveyors office or other applicable county office. Submit a copy of the report to the department along with verification that the report was submitted to the county.

FDM Chapter 9 contains the departments policies and information on right-of-way monumentation and survey monuments. Refer to FDM 9-5-5 and FDM 9-25-10.

FDM 12-1-35 Right-of-Way GIS Modernization *February 15, 2023*

This procedure sets forth the requirements for preparing and submitting plat and map drawing (CADD) files for use in the GIS environment. Plats and maps depicting the acquisition of permanent interests will be utilized. It is mandatory that all CADD files are prepared using WISDOT drawing templates. Templates can be found at: Wisconsin Department of Transportation Roadway design files (RDF) (wisconsindot.gov). Specific layers and attributes will be imported from the CADD files into the GIS environment. Coordinate correct polylines shall be used and placed on the appropriate layers. The layers that will be imported are the existing and new (proposed) right-of-way, existing and new (proposed) permanent easements, the four types of access control (if applicable) and parcel acquisition polygons. An ACAD file containing the applicable information shall be submitted to the Department after the Relocation Order has been recorded or filed with the County. If a TPP Amendment is recorded or revisions are made to the traditional plat sheets and exhibits changing any of the permanent interests being acquired, a new CADD file shall be submitted. All ACAD files shall contain the Coordinate/Datum reference for the project, Real Estate project ID and date. Instructions for creating the ACAD file can be found at: R/W DWG extraction for GIS (wi.gov).

LIST OF ATTACHMENTS

Attachment 35.1 R/W Modernization GIS Project Deliverables

FDM 12-1-40 Quality Control and Closure Report *August 15, 2025*

40.1 Quality Control

After the acquisition product is complete, another qualified person, somewhat unfamiliar with the project, should review the product. Checklists are available in FDM 12-10-5, FDM 12-15-10 and FDM 12-20-1. These checklists will aid the preparer in meeting the requirements for each product and help to ensure the product is prepared in a consistent manner. Quality control at the regions, prior to recording or filing of the relocation order, is the most effective way of assuring that an acquisition product is prepared correctly.

40.2 Closure Report

The preparer shall provide a closure report to the region office when the acquisition product is submitted for final review. This will ensure that the exterior boundaries of the right-of-way and alignments contain no errors. An example of a closure report is shown in (Attachment 40.1). The closure report shall be in Excel format and contain the follow information:

- Project information:
    - Project ID and Sheet Number
    - Created By
    - Created on Date

- Coordinate Geometry Information (The columns in the Excel file shall be arranged in the order shown below.):
    - From Point Number
    - To Point Number
    - Bearing between Points
    - Distance between Points
    - From Point Number Northing Coordinates
    - From Point Number Easting Coordinates
    - To Point Number Northing Coordinates
    - To Point Number Easting Coordinates
    - Curve Length
    - Curve Radius
- Accuracy Information:
    - Error Northing Distance
    - Error Easting Distance
    - Error Closure Distance
    - Precision Ratio
- File Name:
    - The name of the closure report file shall include the Project ID and page/sheet number followed by _Plat_CR.xlsx (ex. 12040421_4.01_Plat_CR.xlsx).

All coordinates shall be shown to three decimal places. The point numbers shall correspond to the point numbers shown on the acquisition product. The report shall also contain a bearing and distance from a surveyed USPLSS monument to the point of beginning of the right-of-way traverse. Ties to the reference lines and coordinates for where the traverse intersects the reference lines shall also be included. The report shall be prepared in a manner to form a closed traverse of the exterior right-of-way boundaries.

The Departments C3D Plat templates contain a closure report tool that contains all the above information in the default format.

40.2.1 Transportation Project Plat (TPP)

The regions will be required to submit to the Surveying & Mapping Section, a closure report of the exterior right-of-way boundaries for each Transportation Project Plat (TPP) to be recorded. Surveying & Mapping Section will make other spot checks on the TPP including, but not limited to, the location description, appropriate signatures and dates, location sketch, notes, etc.

40.2.2 Traditional Plat and Acquisition Exhibit

A closure report of the exterior right-of-way boundaries for each right-of-way traverse (envelope) that contains any permanent acquisitions or closure reports for individual permanent acquisitions will be required. Closure reports will also be required if any of the existing right-of-way or existing permanent easements are being monumented. The region will make other spot checks on the plat including, but not limited to, appropriate signatures and dates, location sketch, notes, etc.

LIST OF ATTACHMENTS

Attachment 40.1 Sample Closure Report

FDM 12-1-45 General Instructions for Parcel Descriptions *May 15, 2026*

45.1 General Instructions

1. Prepare acquisition descriptions using Microsoft Word software and provide a copy of them in electronic format to the Department.

2. All descriptions shall be formatted as shown below:
    - Font – Arial 12 point (font character spacing-position should be set to normal)
    - Margins – 1” top, bottom, right, and left margins (all margins).
    - Paragraph Alignment – Justified
3. Consult with regional Real Estate staff on whether to insert the Register of Deeds’ plat recording information (TPP only).
4. Insert the words PARCEL DESCRIPTION (capitalized, bolded, and centered) on the first line. Put three hard returns after PARCEL DESCRIPTION, so there are two blank lines between it and the text of the description. Put one blank line between each paragraph thereafter, and two blank lines between descriptions for a parcel that appears on more than one plat page (TPP only).
5. Highlight the interest(s) being acquired by bolding "Fee Simple", "Permanent Limited Easement", “Temporary Limited Easement”, etc.
6. List the interests in the following order: fee, highway easement, permanent limited easement, access rights, temporary limited easement, scenic easement, and restrictive development easement.
7. When a parcel appears on more than one plat page, write a full description for the interests that appear on each page. (TPP only, see example 17, Attachment 20.2).
8. Add the following information to the footer of the Microsoft Word document:
    - Project I.D. – Left margin
    - Page number notation (Page X of Y) – Center aligned
    - Parcel number – Right margin

    The project I.D. that appears in the footer should **not** include the TPP page number, Traditional Plat page number (e.g., - 4.01) or the exhibit number.
9. Save each parcel’s description to its own Word document. All interests acquired for a parcel will be saved to one document. The document’s file name represents the project number, followed by the parcel number shown as a three-place extension along with the file extension.

    Example: Project 7570-02-21, Parcel 9 should be saved as 75700221.009.docx
    Project 7570-02-21, Parcel 10 should be saved as 75700221.010.docx