

Wisconsin Department of Transportation

Scott Walker

Governor

Dave Ross Secretary Office of General Counsel 4822 Madison Yards Way., Rm. 922 South P.O. Box 7910 Madison, WI 53707-7910

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July 3, 2018

Ms. Karen Bechel W5003 US HWY 10 DURAND, WI 54736

RE: W5003 U.S. Highway 10 Driveway/Road Connection

Dear Ms. Bechel:

I have been advised by our district office in Eau Claire that you and/or a Mr. Asher, at your direction, interfered with the construction of improvements to U.S. Highway 10 this weekend. This agency has issued a permit to Richard and Estella Bauer that allows them or their contractors to construct a new entrance/connection between the U.S. Highway 10 roadway, your driveway, and the easement they hold along old U.S. Highway 10 between the connection and their lands south of your property. The Department's authority to issue such a permit is set forth in Wis. Stat. s. 86.07.

I am writing to demand you and Mr. Asher cease interfering with this highway work.

I understand you have repeatedly placed obstructions in the highway at this location. Obstructing a highway in any fashion is a criminal offense under Wis. Stat. s. 86.022. All lands owned by the Department of Transportation in the area of the connection, including lands outside the paved roadway are considered part of the highway. Placing any obstruction or interfering with the free use of those lands by the Bauers or any person is a violation of law. Intentionally causing damage to the highway is a class I felony. Wis. Stat. s. 943.01(2)(a)2.

For your information, I am including a copy of the recorded deed from the office of the Pepin County Register of Deeds showing the acquisition of the highway and a plat of survey for the area. As you can see from the survey, the highway extends 80 feet from the centerline toward your property at the location of the connection to USH 10. The place where the Bauer easement and old USH 10 meet the driveway extension from your property is on state land. You have no ownership interest in those lands.

I understand Mr. Asher has suggested that WisDOT owns only highway easement in the area of this connection. WisDOT owns a highway easement over the location of old Highway 10, but in the area shown as current USH 10 on the survey, the Department owns fee simple title. Like any abutting landowner, you own only reversionary rights in the property if at some point USH 10 is discontinued. That is unlikely in our lifetimes. In other words, the dirt, the trees, the ditches and the roadway are all state property.

Because your interference with construction prevented completion of the work before the original permit issued by the region office was to expire, that permit has been amended and extended. A copy of the new permit is also enclosed for your reference.

If you have any questions regarding this matter, I may be contacted at the address and telephone number provided above. Please do not further interfere with the contractors doing this important highway construction work.

Very truly yours,

Solath John J. Sobotik

Assistant General Counsel

cc: Pepin Co. Sheriff

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	Amended and extended July 2, 2018. Chrs Michael							
	Chris Michels, WisDOT							
	APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY Wisconsin Department of Transportation (WisDOT)							
		DT1504 4/2009 s. 86.0	07(2) Wis. S	tats. & Ch. Trans 231	Wis. Adm.			
perr If the (STI Plea of the information	nit does not create a r e property has any lega H), WisDOT cannot ap ase type or print neat his form per the instruct rmation, visit: <u>www.dor</u>	for permission for a STH Co ight of access or access e al restrictions that prohibit a prove a STH connection pe ly in ink. Fill out the required tions. One form is required p t.wisconsin.gov/business/ru the property deed with al	easement f ccess to a rmit for the ed informati per connec les/propert	or the property. state trunk highway property. on on both sides tion. For more <u>y-permits.htm</u>	ISDOT OFF	VisDOT-NW Access Mana	Region-Eau gement Coor mont Avenue	rdinator
APPLICANT INFORMATION	1. Applicant Name and Mailing Address – Street/PO Box, City, State, ZIP Code Biobard & Estalla Bauer			 Property Owner Name / Address (If not applicant) If Not Property Owner, Reason for Application 				
		4	ne de nag	Augustani August (* 1	1992 - S. S.	g tasin <u>, na</u>	<u>1911</u>](et. 191	AN STATES
NO	4. Highway Number(s)	5. County		Uillage 🛛 Town		ide of the Highway		
N	USH 10	Pepin	of: Durand	1	North		7 1 1 1 1 1 1 1 1 1 1	West
CONNECTION LOCATION INFORMATION	8. Located within the	N Quarter, Section 25, Tow	n 25 North	Panga 13 West	9. Fire or W5003		r (If applicable)
ION	50 # ¹⁵	de Road from Location Distan			-		on from the	<u>n fina abia</u> n S
INFO		East	nearest non-side road connection			1642		
NO	Brunner Road 3,000 Feet East (Feet or Miles) (N, s, E, W)				on the same highway?			
U		Point (Filled in by WisDOT):	de la la	all the state of the	Internet and	Constant and the	Radonada e des	and the support
ONNECTION TYPE INFORMATION	 12. Proposed Activity (Check one) ☐ Construct New ☑ Alter Existing ☐ Remove Existing ☐ Permit Existing 	uctions for category d Rural – Agricultu Public Road Trail or Trail Cros licable)?	al			000		
U	_	14. Proposed Width: 35'	15. Propo	sed Surface: Gravel			S 17-27 on BA	Although the second sec
and fille supplem by WisD restrictio It is furth complian laws, co other jur prohibite	ed-in on this application mental provisions, superim DOT. The applicant shall ons along with the constru- ner understood that WisD nee with relevant state st odes, rules, regulations, risdictional agencies. The ed. Under s. 86.073 Wisco on may be appealed.	which include the information along with any conditions, posed notes, and detail drawi be responsible for complying totion and maintenance of the co OT's approval is subject to app tautes and administrative rules ordinances and permit requir alteration of this form by the a ponsin Statutes, WisDOT's permit	covenants, ings added with these connection. licant's full s, plus any rements of applicant is hit denial or	(Property Owner or A (If Computer-filled, B 715 672-54 (Area Code and Tele	correct a ation may b secution u Authorized I rush Script	and complete result in perm under s. 946.3 2000000000000000000000000000000000000	e. Providing nit denial or n 2 Wisconsin 3	incorrect or evocation as Statutes. <u>252018</u> (Date) El.net
		FOR OFFICIAL WISDOT U						
		EMENTAL PROVISIONS A		│ │ │ Permit API		(THIS PERM	IT IS REVOCA	ABLE)
23		upplemental provisions.		Application		SED		
permit i	s approved and exte	nded as provided herein	1.	X CMS (WisDOT Authorize (If Computer-filled,	Brush Scrip	ot Font)	6/1/	(Date)
					 Temporary permit. Expiration date: This permit voids / replaces permit # 			
				Shared connection	Co-u		Bechel/	1 <u>45her</u> 3068
1.					la: 46. Hun.0	10-M004 Bech	el Asher Baue	r Shared D\A/

17. 🖾 Yes 🗋 No	Is the property zoned? Provide documentation from the jurisdictional zoning authority.
18.	Explain how the land is currently being used:
19. 🗌 Yes 🕅 No	Are you aware of any plan to change the zoning or land use for the property? If yes, explain.
20. 🗌 Yes 🛛 No	Is this connection for property that was part of a land division or assemblage created on or after 2/1/99? If yes, explain.
21! 🕅 Yes 🗌 No	Do you own other property abutting the highway that is next to the property that this connection will serve? If yes, describe.
	Note 1: Answering "yes" to #20 or 21 may result in a Wis. Administrative Code Trans 233 review by WisDOT. If this is needed, the processing of your application may be delayed.
22. 🗌 Yes 🚺 No	Does the property abut or border another public road? If yes, provide the road's name.
23. 🗋 Yes 🕅 No	Are there any existing connections serving the property? If yes, how many?
24: 🗌 Yes 🕅 No	Are there any restrictions on the number, use, or location of connections to the property?
25. 🔀 Yes 🗌 No	Are there any access easements across the property (recorded or unrecorded)?
	Note 2: If you answered "yes" to #24 or 25, provide a copy of all documents relevant to the restrictions and/or easements
26. Provide the prop	rerty tax identification number: 39-1401365 / Tarrel #TD 004-00316-000
27. What is the prop	osed construction completion date for the connection? See Conditions of Issuance #9.
	CONNECTION OR CONNECTION TO BE MOVED, APPLICANT SHALL PLACE A FLAG OR MARKER IN THE OR FORESLOPE (VISIBLE FROM THE HIGHWAY) AT THE PROPOSED LOCATION.

CONDITIONS OF ISSUANCE

1. WisDOT reserves the right to make such changes, additions, repairs, relocations and removals within statutory limits to the connection or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate relocation, reconstruction, widening, and maintenance of the highway, or to provide proper protection to life and property on or adjacent to the highway, or if alternative access to the property becomes available.

2. Except in cases where the indicated connection may be constructed by forces acting on behalf of WisDOT due to a highway improvement or maintenance project, the permittee shall do all of the following: (a) Furnish all materials, do all work, and pay all costs for the construction and maintenance of the connection and its appurtenances on the right-of-way. Materials used and the type and quality of the work shall be appropriate for the connection type specified in this permit; (b) Do all work without jeopardy to, or interference with, traffic using the highway; (c) Promptly restore to WisDOT's satisfaction and at least pre-existing conditions, highway surfaces, shoulders, ditches, vegetation, drainage appurtenances, guardrail, signs, electric conduits/cables, etc. disturbed by any work; (d) Maintain the connection and preventing aboveground obstacles to occur that could cause serious injury or death to a motorist in an errant vehicle; (e) Not disturb or cause the disturbance of any survey marker without the <u>prior written approval</u> of WisDOT.

3. The permittee, indicated on the reverse side, represents all parties in interest, and agrees that any connection or approach constructed by or for the permittee is for the purpose of obtaining access to the property (listed in #26) and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the right-of-way.

4. The permittee shall not make any changes to the connection, its appurtenances, or adjacent right-of-way, including, without limitation, changes to the location (#4-11), use (#13), width (#14), surface (#15), or increase the number of trips per day (#16) approved by this permit without obtaining prior written approval from WisDOT. WisDOT will evaluate all potential highway impacts that may arise from the proposed change(s) and therefore, does not guarantee approval.

5. The permittee, successors or assigns agree to hold harmless the State of Wisconsin and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

6. WisDOT does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material upon any portion of any connection along any state trunk highway even though snow, ice or sleet is deposited or windrowed on said connection by its authorized representative engaged in normal winter maintenance operations.

7. Under Wisconsin Administrative Rule Trans 401, the permittee shall implement proper erosion control and storm water management measures at all times during work operations and upon completion of the connection to protect all restored areas until the replacement vegetation achieves sustained growth.

8. Rock, asphalt, concrete, timber or other embankment retention or marking treatments for the connection are prohibited.

9. If the permitted work has not been started by the construction completion date, this permit is <u>null and vold</u>. If the work has been started but is not finished by the construction completion date, no additional work shall be done unless authorized through an approved written time extension or a subsequent permit from WisDOT. Accomplishment of any part of the work shall verify agreement by the permittee to conform to this permit and to be bound by all of its requirements, restrictions, and obligations, all of which shall continue to be in full force and effect. WisDOT does not guarantee the approval of a time extension or subsequent permit since the conditions WisDOT based its permit approval upon may have changed between the permit approval date and time extension request date.

EXHIBIT A

The following supplemental provisions apply:

Applicant Bauer owns an easement to traverse the East 30' of the NE ¼ of the NW ¼, Section 25, T25N, R13W, Pepin County, as described in that land contract recorded at Vol. 121 of Records, page 603, official records of Pepin County, Wisconsin and in that deed From Diane S. Olsen to Karen Bechel, recorded at Volume 265 of records, page 459, and as document No. 132780, official records of Pepin County, Wisconsin. Said easement is within the boundaries of the public road, old USH 10, which straddles the quarter-section line between the NE ¼ of the NW ¼ and the NW ¼ of the NE ¼ of said Section 25, and has been continuously used to access the lands in the SE ¼ of the NW ¼ of said Section 25. This permit grants Bauer permission to work in the right-of-way of current USH 10 and former USH 10 to establish a connection better suited for ingress and egress by farm equipment consistent with the need to maintain safe access for a single family residence.

The connection to USH 10 authorized by this permit is for the purpose of providing shared ingress and egress to one single family residence in the NE ¼ of the NW ¼ of said Section 25, and agricultural farming access for lands in the NW ¼ of the NE ¼ south of USH 10, the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼, all in Section 25, T25N, R13W, Pepin County, Wisconsin for the number of trips per day indicated in the permit. Any other use of the connection not permitted herein, increase in traffic volume, or change in the type of vehicles utilizing this connection for purposes other than its permitted use may result in the revocation of this permit and in the removal or modification of the connection. Notwithstanding the foregoing, Applicant or shared connection co-user named herein may apply to the Department for permission to change the volume or use authorized at the connection at any time.

Installation shall be performed consistent with the standard detail drawings attached hereto which are made a part of this permit. To provide for proper drainage of the highway, the finished grade of the connection shall be approximately 6 inches below the existing edge of the roadway pavement at a distance of 15 feet from the edge of the roadway pavement.

Fill slopes shall be 6:1 or flatter. An 18" corrugated culvert approximately 50' in length with 4:1 apron sidewalls shall be installed to facilitate drainage of the existing ditch at approximately the location of the existing culvert. The approximately 50' of total culvert length may be achieved by extending the existing culvert to the needed length. The permit holder is required to update both sides of the driveway to a 6:1 side slope and place a 4:1 endwall on each end of the culvert. The culvert shall use the minimum length of pipe necessary to span the driveway and allow for appropriate endwalls. In no event may the length of the culvert exceed 100 feet.

This permit authorizes the construction of a connection that exceeds the width permitted for noncommercial rural driveway connections as authorized by s. Trans 231.01(5), Wis. Admin Code. The reasons for permitting the width exception include: (1) the connection is between USH 10 and old USH 10, two public highways, and a driveway serving a single family residence and therefore could be improved to public road connection standards; (2) the angle formed between the Bauer easement (which traverses old USH 10) and current USH 10 highways is less than 90 degrees at their junction, necessitating an increased width connection in this instance to safely provide improved sight for vehicles and access for large farm equipment; (3) to facilitate large farm equipment turning into the proper lane on USH 10, and (4) to reduce the likelihood of vehicles falling off of or missing the improved portion of the connection and damaging the ditch or highway. This exception has been authorized in the manner

EXHIBIT A (cont.)

provided for in the WisDOT Highway Maintenance Manual, s. 9-10-10, section 8.0, *Throat Width*, *Driveway Return Radius, and Throat Length*. and Ch. Trans 231, Wis. Admin Code.

The fire or street number to which this permit shall apply is W5003, not W14593 as stated in the application.

All construction and use of the connection shall be consistent with the rights of the servient fee owner to the USH 10 highway, old USH 10, and Bauer easements. All maintenance and snow-plowing of the connection and that portion of old USH 10 over which the Bauer easement traverses shall be responsibility of permittees.

Work under this permit began in June, 2018. Permission is hereby granted to complete work on or before September 1, 2018. See conditions of issuance par. 9 regarding further extension of the time to complete the work authorized by this permit.

For reference:

- The connection permitted by this permit is located at fire number 5003, U.S. Highway 10.
- Bechel co-user property tax ID number is 004-00316-0001.



S.D.D. 8 F 1-11

Version 11

Standard Detail Drawing 8f1

Apron Endwalls for Culvert Pipe

References:

FDM	19-15-70
FDM	13-1-15
FDM	13-1-17

Bid items associated with this drawing:

<u>ITEM NUMBER</u>	DESCRIPTION	UNIT
520.1000 - 1199	Apron Endwalls for Culvert Pipe (size)	EACH
521.1000 - 1199	Apron Endwalls for Culvert Pipe Steel (size)	EACH
522.1000 - 1199	Apron Endwalls for Culvert Pipe Reinforced Concrete (size)	
525.0300 - 0399	Aluminum Apron Endwalls for Aluminum Culvert Pipe (size)	EACH
525.0400 - 0499	Steel Apron Endwalls for Aluminum Culvert Pipe (size)	EACH

Standardized Special Provisions associated with this drawing:

<u>STSP</u> <u>NUMBER</u>		Tľ	TLE	Ξ	

SPV.0060 if non-standard size is specified.

Other SDDs associated with this drawing:

SDD 8F4 Joint Ties for Concrete Pipe

Design Notes:

Joint ties are required for the apron endwall and the last 2 sections of culvert and storm sewer pipe installations. See Standard Specifications.

Contact Person:

Ann-Marie Kirsch (608) 267-3766

🖋 8F7: Steel Apron Endwalls for Culvert Pipe and Pipe Arch Sloped Side Drains



S.D.D. 8 F 7-5







curve two hundred sixty-seven and 4/10 (267.4) feet to a point on the east line of the NET of the SEt of said section 25, said point being one thousand three hundred twentyseven (1327) feet south of the northeast corner of the SEt of the NEt of said section 25; said last described curve is four hundred sixty-six and 67/100 (466.67) feet in length and is tangent at this point of ending to a line bearing \$ 77 degrees 17 F, all as surveyed and staked and shown on the plans for Project No. 6221 of the State Highway Commission of Wisconsin, excepting that portion contained within the limits of the present public highways included herewith, the above described lands contain 3.26 acres more or less. The grantor releases all claims.

The grantor releases all claim to any trees within the said lands and understands and agrees that the purposes of this agreement include the right to preserve and protect any vegetation existing on the said lands, and the right to plant thereon and protect any vegetation that the highway authorities may deem desirable to prevent erosion of the soil or to beautify the highway.

This conveyance shall be binding on the grantor, h--heirs, executors, assigns and grantees and the consideration hereinbefore named is acknowledged to be in full payment of all claims of whatsoever nature by the grantor arising through or by reason of the granting and conveying of the said lands.

And The Federal Land Bank being the owner and holder of certain mortgage lien against said premises do hereby join in and consent to said conveyance free of said lien.

WITNESS the hand and seal of the grantor and the person joining in and consenting to this conveyance, this _____ day of _____ 19___. Mary E. Dorwin (SEAL) Bessie M. Dorwin (SEAL)

In Presence of Anton Weishapple W. C. Thompson

State of Wisconsin,

Pepin County.

Mary E. Dorwin (SEAL) Bessie M. Dorwin (SEAL) Helen E. Maynard (SEAL) William E. Dorwin (SEAL) Ann L. Dorwin (SEAL)

Personally came before me this 12 day of May, 1936, the above named Mary E. Dorwin, Bessie M. Dorwin, Helen E. Maynard and William E. Dorwin & Ann L. Dorwin to me known to be the persons who signed the foregoing instrument and acknowledged the same. Filed Nov. 12, 1936. Isabel K. Unser Notary Public. (SEAL) My commission expires Feb. 5th, 1939.

CONVEYANCE OF LANDS FOR HIGHWAY PURPOSES.

It having been deemed necessary for the proper improvement of a State Trunk Highway to change or relocate a portion thereof through lands owned by Joe Patrow, a single man, in the Town of Durand, Fepin County, and a plat showing the existing location and the proposed change having been filed with the County Highway Committee and with the County Clerk of said County, bythe State Highway Commission as required by Section 83.08; and the said County Highway Committee having dealt by contract with the owner of said lands; Know all men by these presents, that the said owner for a valuable consideration, to-wit: the sum of Fourteen and No/100 Dollars (\$1,400.00) in hand paid the receipt of which is hereby acknowledged does hereby grant and convey to Pepin County, Wisconsin, for highway purposes as long as so used, the lands of said owner necessary for said relocation, shown on said plat and described as follows, to-wit: A strip or parcel of land one hundred (100) feet in width located across the NEt of the NWt of Section 25, Township 25 North, Range 13 West, in the town of Durand, Pepin County, Wisconsin, lying within lines that are fifty (50) feet distant at right angles on each side of and Parallel to the following described Volume K Miscellaneous Recends

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reference line of a highway surwey.
Beginning at a point on the east line of said NE ¹ of the NW ¹ said point being two hundred
eighty-eight (288) feet north of the southeast corner thereof; thence N 41 degrees)1 W
seven hundred twenty-seven and 27/100 (727.27) feet to the point of tangency to a one
thousand four hundred thirty-two and 69/100 (1,432.69) foot radius (4 degrees) curve to the
left; thence on said curve one thousand two hundred seven and 92/100 (1,207.92) feet to
the point of tangency to a line bearing N 89 degrees 20' W.
Also an additional strip of land thirty (30) feet in width lying parallel and adjacent to
the southwesterly line of the above described strip or parcel and beginning at the east
line of said NEt of the NWt and extending thence northwesterly eight hundred nineteen
(819) feet to a north and south line, all as measured along said described reference line.
All as surveyed and staked and shown on the plans for Project No. 6221 of the State High-
way Commission of Wisconsin.
Excepting that portion contained within the limits of the present public highways included
herewith, the above described lands contain 4.23 acres more or less.
The grantor releases all claim to any trees within the said lands and understands and
agrees that the purposes of this acquirement include the right to preserve and protect
any vegetation existing on the said lands and the right to plant thereon and protect any
vegetation that the highway authorities may deem desirable to prevent erosion of the soil
or to beautify the highway.
This conveyance shall be binding on the grantor, his heirs, executors, assigns and grantees
and the consideration hereinbefore named is acknowledged to be in full payment of all
claims of whatsoever nature by the grantor arising through or by reason of the granting
and conveying of the said lands.
It is further agreed that permission will be granted without additional cost to construct
such ditches as may be necessary to provide access to and drainage from cattle pass.
Witness the hand and seal of the grantor and the person joining in and consenting to this
conveyance, this day of 19
In Presence of JOE PATROW (SEAL)
Anton Weishapple
Guy H. Miller
State of Wisconsin,)
Pepin County.
Personally came before me this 13 day of February, 1936, the above named Joe Patrow to me
known to be the persons who signed the foregoing instrument and acknowledged the same.
Filed Nov. 12, 1936. (SEAL) ISABEL K. UNSER
Notary Public
My commission expires Feb. 5th, 1939.
PARTIAL RELEASE OF MORTGAGE.
The Federal Land Bank of St. Paul, a body corporate, of the City of St. Paul, County of
Ramsey, State of Minnesota, does hereby certify, that a certain tract or parcel of land
lying and being in the County of Pepin and State of Wisconsin, described as follows, to-wit:
All lands located across the NEt of the NW and the NW of the SEt of Sec. 26, Twp. 25 N,
Rge. 13 W, in the town of Durand, Pepin County, Wisconsin, lying north of a line that is
fifty (50) feet distant at right angles south of and parallel to the following described
reference line of a highway survey; beginning at a point on the east line of the NEt of
the NWL of Section 25, said township and range, said point being 288 feet north of the

