

CERTIFICATE OF RIGHT OF WAY

(Excludes railroad interests)

RE1899 01/22/2020 (Replaces RE5005)

Wisconsin Department of Transportation

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| To: Director, Bureau of Technical Services – Real Estate Hill Farms Bldg/Rm 501 - Madison | | From: SE Region; Technical Svcs | Date: 11/1/2022 |
| Construction project number 1060-10-72 | Federal aid project number | R/W project number 1060-10-22 | |
| Highway IH 94 | | Letting date May 9, 2023 | |
| Title and limits IH 94 East West Freeway, Moorland Interchange | | County Waukesha | |
| Type of work MISC | Begin station 25+74.41 | End station 37+79.97 | |

Encroachments still to be removed

☒ None ☐ Yes, list parcel #(s), station(s), explain items, who will remove, estimated removal date, etc.:

Encroachments to be left in place by revocable permit

☒ None ☐ Yes, list parcel #(s), station(s), explain items, etc.:

Hazardous materials

☒ None ☐ Yes, list parcel #(s), station(s), explain remedy plan, estimated removal date, etc.:

List right of way parcels and interests required for this construction project letting.

☐ None ☒ Yes, provide parcels #(s) and type of interest:

Parcel #1 - TLE, Parcel #2 - TLE, Parcel #3 - FEE & TLE

-- For WisDOT Regional Design Authorization Use Only --

Note: Railroad land interests are not a part of this certification.

☐ No new right of way is required; and, we certify the right of way status as #1, pursuant to 23 CFR 635.309 and other federal regulation as appropriate.

☐ Yes, new right of way is required. (If checked, forward to regional Technical Services – Real Estate.)

Regional Design Representative

(Only WisDOT has authorization approval)

Date

-- For WisDOT Regional Real Estate Authorization Use Only --

If new R/W is required:

☒ All parcels are acquired.

☐ Parcels not yet acquired. If applicable, list parcel number(s), closing date, award date, and other pertinent details:

Relocation

☒ None ☐ Yes, provide parcel #(s), relocation date(s), anticipated, delays, etc.:

Structure Removal

☒ None ☐ Yes, provide type(s), removal date(s), by whom:

On behalf of the acquiring agency ☒ State, ☐ County, ☐ City, ☐ Village, ☐ Town, ☐ Other: _____, and pursuant to 23 CFR 635.309 and other federal regulation as appropriate, we certify the right of way status as: ☒ 1, ☐ 2, ☐ 3.

Nicole Mauch

Regional Real Estate Representative

(Only WisDOT has authorization approval)

11/1/22

Date

Include additional information and attach additional pages, if necessary.

RIGHT OF WAY CERTIFICATION DEFINITIONS

Note: Railroad land interests are not a part of this certification.

- **CERTIFICATION #1** (let and award)

All necessary rights/interests as shown on the right of way plat and/or construction plan have been obtained, including legal and physical possession. There may be cases appealed or cases pending in court, but legal possession has been obtained. There may be some improvements remaining on the right of way, but all occupants have vacated the lands and improvements. WisDOT has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.

- **CERTIFICATION #2** (let and award, but follow up necessary)

Although all necessary rights of way have not been fully acquired, the right to occupy and use all rights of way required for the proper execution of the project has been acquired. (Negotiations must be initiated.) Trial or appeal of some parcels may be pending in court. Full legal possession has not been obtained, but a Temporary Right of Entry Easement has been obtained. The occupants of all lands and improvements have vacated. WisDOT has physical possession and right to remove, salvage or demolish these improvements. The right of entry must be discussed with Bureau of Technical Services - Real Estate for approval prior to use.

- **CERTIFICATION #3** (follow up and right of way clearance required prior to letting)

The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with both federal and state directives covering the relocation assistance program. For parcels not clear at the time the PS&E was submitted, an updated certification must be received by the Bureau of Technical Services - Real Estate prior to the scheduled ad meeting. The certification must show the parcels not yet acquired, anticipated acquisition dates, anticipated Jurisdictional Offer filing dates, etc. The certification must also identify any parcels not vacated and the vacation dates.

The region may request authorization in these cases only in very rare and unique circumstances. This exception, however, will never become the rule.

- **DEFER**

Projects that do not meet the above requirements will not be advertised for letting.

Detailed instructions on the right of way certification process can be found in the Real Estate Program Manual/Section 3.10 as well as the Facilities Development Manual in FDM 19-10-35. Also see FDM 19-1-3 for more on letting process.