**CONTRACT FOR CONSULTANT LAND SERVICES**

**Airport Land Acquisition/Release, Land Surveying & Mapping**

**AIRPORT NAME (airport name)**

**BOA PROJECT NUMBER (project#)**

**AIP/State Aid Number** **(number)**

Between the

**AIRPORT OWNER**: (owner), Wisconsin

Represented by: SECRETARY OF TRANSPORTATION, Agent for the Owner

and

**CONSULTANT**: (Consultant)

(consultant address, city, state, zip)

This Contract is made and entered into by and between the (airport owner), Wisconsin hereinafter called the Owner, represented by its duly authorized agent the SECRETARY OF TRANSPORTATION Bureau of Aeronautics (BOA) hereinafter referred to as the Bureau, and (Consultant), together with all subcontractors, hereinafter referred to as the Consultant, in accordance with Chapter 114.32, Wisconsin Statutes.

The Owner proposes to: (description)

ALL SERVICES

The Consultant represents it is in compliance with the laws and regulations relating to the profession of real estate and land acquisition and is willing and able to do the Consultant services required in the proposed work in accordance with this contract.

It is expressly understood and agreed that the lump sum amount totals $ (total), the actual costs shall not exceed $ (total) and in no event will the total compensation and reimbursement paid hereunder exceed the maximum combined sum of $(sum) for all of the services required under this contract except by amendment to this contract.

The Consultant representative is (Consultant Project Manager)whose telephone is (Consultant PM phone)

The Owner representative is Teresa Klein whose telephone number is 608-266-3092.

The Disadvantaged Business Enterprise goal on this Contract is 0%.

Attached and made part of this Land Contract are the General Provisions and SPECIAL PROVISIONS. This Contract incorporates and the parties agree to all of the CONSULTANT SERVICES GENERAL PROVISIONS DATED July 10, 2014.

This Contract has been agreed to and signed on the dates shown. Effective date of the Contract is the latter of the two dates.

AS AGENT FOR OWNER: CONSULTANT:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

David M. Greene, Director Signature

Bureau of Aeronautics

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SS#/FEIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SPECIAL PROVISIONS FOR CONSULTANT LAND SERVICES CONTRACT**

Part I. Payment/Scope of Services

Section A. Payments

1. Lump Sum
2. Actual Costs

Section B. Scope of Services

1. Project Management
2. Meetings
3. Land Project Planning
4. Environmental Investigations
5. Title Services
6. Records Research and Survey Reconnaissance
7. Survey and Property Records Exhibit
8. Land Acquisition Plan
9. Land Project Development
10. Land Acquisition Meetings
11. Surveys, Maps, Exhibits and Conveyance Documents
12. Relocation Order
13. Appraisal
14. Appraisal Review
15. Negotiation
16. Relocation
17. Real Estate Closing Services
18. Eminent Domain
19. Land Release Documentation
20. Land Surveys, Mapping and Airport Property Information

Section C. Project Administration

1. Separation of Duties
2. Standards and Guidelines
3. Records Management
4. Ownership of Data and Documents
5. Deliverable Timeline
6. Invoicing

Part II. Other Provisions

Part III. Special Attachments

***See WisDOT online - Doing Business/Airports/Forms and documents - for supporting contract materials:***

[***http://wisconsindot.gov/Pages/doing-bus/aeronautics/airports/forms.aspx***](http://wisconsindot.gov/Pages/doing-bus/aeronautics/airports/forms.aspx)

**Checklist for Land Acquisition/Reimbursement**

**Environmental Investigations Guidelines for Land Acquisition**

**Surveying and Mapping Guidelines for Airport Land Projects & Wisconsin SOP#3 Checklist**

**Appraisal and Appraisal Review Guidelines for Land Acquisition**

**Land Acquisition Progress Report**

**Consultant Land Services Contract Invoice**

**Sponsor Certification for Land Acquisition (Contact Teresa Klein for this form)**

**Project Monthly Progress Report**

**Part I. Payment/Scope of Services**

Attached to and made a part of the Consultant Land Services Contract:

Airport Name: Project Number: \_\_\_\_\_\_\_\_\_\_\_\_\_

**Section A. Payments**

1. **Lump Sum** - The Owner agrees to pay the Consultant as compensation for professional services furnished under Section B and in accordance with the General Provisions, a lump sum for each unit of work performed as follows:

**a. Land Project Planning**

|  |  |  |
| --- | --- | --- |
| **Description** | **Completion Time**  (calendar days or date of completion) | **Total Fee** |
| Title Reports/Services |  | $ |
| Exhibit “A” Map – Proposed Land Acquisition |  | $ |
| Relocation Order and Filing |  | $ |
| Hazardous Materials Site Assessment (Phase I) |  | $ |
| Pre-Demolition Investigation Report |  | $ |
| Archeological/Historical Assessment |  | $ |
| Agricultural Impact Notice |  | $ |
| Section 106 Review Support |  | $ |
| Records Research |  | $ |
| Survey Reconnaissance |  | $ |
| Survey and Property Records Exhibit |  | $ |
| Meetings |  | $ |
| Other: |  | $ |

**Lum Sum a. Phase I Total $****(phase 1 total)**

**b. Land Project Development**

|  |  |  |
| --- | --- | --- |
| **Description** | **Completion Time**  (calendar days or date of completion) | **Total Fee** |
| Topographic Surveys |  | $ |
| Obstruction Surveys |  | $ |
| Property Survey - Airport Boundary Survey |  | $ |
| Property Surveys - Parcels |  | $ |
| Relocation Plan |  | $ |
| Appraisal Services |  | $ |
| Appraisal Review Services |  | $ |
| Conveyance Document Preparation and Recording |  | $ |
| Land Release Document Preparation |  | $ |
| Exhibit “A” Map – land acquisition project |  | $ |
| Exhibit “A” Map - update |  | $ |
| Meetings |  | $ |
| Other: |  | $ |

**Lump Sum b. Phase II Total $****(phase 2 total)**

**Total Lump Sum Amount (a & b) - $**

1. **Actual Costs**

The Owner agrees to pay the Consultant for the following services a reimbursement rate based on actual costs, including overhead and profit. For services of the Consultant’s staff engaged directly on the following portion(s) of the project, the Compensation will be an amount equal to the Consultant’s direct labor cost times a factor of (factor)\*, plus reimbursable expenses not included in the Consultant’s overhead rate.

\* (factor) = (1 + overhead rate) x profit

**a.** **Meetings**

Meeting costs will be paid for only on an occurrence basis if ordered by the Bureau and if the meetings are actually held. If the Consultant requires more than one (1) person at a meeting, approval, prior to the meeting for more than one (1) must be obtained from the Bureau project manager, or charges for more than one (1) may be disallowed.

**Actual Cost a. Meetings Total $(phase 1 total)**

**b. Land Project Planning**

|  |  |  |
| --- | --- | --- |
| **Description** | **Completion Time**  (calendar days or date of completion) | **Total Fee** |
| Addl. Relocation Orders and Filings |  | $ |
| Exhibit A Map – Proposed Land Acquisition, revisions |  | $ |
| Hazardous Materials Site Assessment (Phases 2-4) |  | $ |
| Other: |  | $ |

**Actual Cost b. Phase I Total $(phase 1 total)**

**c. Land Project Development**

|  |  |  |
| --- | --- | --- |
| **Description** | **Completion Time**  (calendar days or date of completion) | **Total Fee** |
| Negotiation/Acquisition Services |  | $ |
| Relocation Assistance Services |  | $ |
| Other: |  | $ |

**Actual Cost c. Phase II Total $(phase 2 total)**

**Total Actual Costs Amount (a & b & c) - $**

**Maximum Combined Amount (Lump Sum and Actual Costs) - $**

**Section B. Scope of Services**

The Consultant agrees to perform the following services and/or prepare items including reports, surveys, maps, documents, files, etc., as stated and in accordance with the applicable attachments, which are required for the execution of the work in this contract. All Consultant land acquisition, land release, and land survey and mapping services will comply with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, as well as all FAA, federal and state guidelines, Wisconsin Statutes, Wisconsin Administrative Codes, and the Wisconsin Department of Transportation Bureau of Aeronautics policies and guidelines including *Environmental Investigations Guidelines for Land Acquisition, Land Surveying and Mapping Guidelines for Airport Land Projects,* and *Appraisal and Appraisal Review Guidelines for Land Acquisition.*

Consultant will provide land related services that may include but are not limited to those activities required, or implied, to provide complete and satisfactory completion of a land acquisition, land release, property survey, mapping or airport land records project:

Land services project management

Environmental studies

Title services

Records and field research

Surveys, maps and legal descriptions

Coordination of map revisions and updates

Appraisal and appraisal review services

Negotiation services

Relocation services

Pre-project meetings

Project spreadsheets

Preparation of all parcel and project files Conveyance document preparation

Recording and filing of documents

Exhibit ‘A’ Map updates and revisions

CADD, GIS and digital file delivery

Project records management

Litigation support

Any Consultant staff or sub-consultant providing services under any particular functional area that requires licenses, certifications, or special expertise are required to be pre-approved by the Bureau. *The Bureau must approve any subsequent changes or additions to the agreed upon staff.*

Project team members serving on this project and their roles are noted in the table below (list consultant and sub-consultants):

|  |  |  |  |
| --- | --- | --- | --- |
| Function/Task | Name | Firm | State and License/Certification # |
| Consultant Project Manager |  |  |  |
| Title Services |  |  |  |
| Environ. Studies/PhI Hazmat |  |  |  |
| Environ. Studies/Pre-Demo. |  |  |  |
| Environ. Studies/Archeol. |  |  |  |
| Environ. Studies/Historical |  |  |  |
| Land Surveys, Property Descriptions, Property Maps |  |  |  |
| Other Mapping/Geospatial |  |  |  |
| Appraisal |  |  |  |
| Appraisal Review |  |  |  |
| Negotiation/Acquisition |  |  |  |
| Relocation |  |  |  |

1. **Project Management**

The Consultant will provide a Land Services Project Manager with sufficient experience and capability to provide a professional level of management and project team coordination in all of the functional areas required for the project: surveying and mapping services, title services, appraisal and appraisal review, negotiation, relocation, records management and property management. This will include the responsibility to insure that all of these functional areas are accomplished according to the appropriate laws, statutes, codes, and policies. The project manager will provide the coordination, communication, oversight and leadership required to deliver the project in a professional, timely and cost-effective manner.

The Bureau shall furnish the Consultant with the parcel numbers and names of property owners, most current Exhibit “A” Property Map and digital files, and airport engineering data sufficient to identify the property and define the land services assignment.

The Consultant project manager will be the RECOMMENDATION AUTHORITY on all approval submittals to the Bureau. These include, but are not limited to:

Property Surveys & Property Descriptions

Recommended Purchase Price

Administrative Settlement Revisions

Relocation Plan

Relocation Claims & Payments

Check requests for direct payments

During the project, Consultant will prepare and submit a written progress report identifying status and activities regarding the project and all parcels, in the first week of every month. For all land acquisition projects, the Project Monthly Progress Report shall be submitted as part of the progress report. All progress reporting will be monthly unless otherwise agreed upon for the project.

monthly  other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Consultant project manager will be responsible for maintaining appropriate reports, spreadsheets, files and project documentation, and will be the lead contact between the Consultant Firm and the Bureau. The Consultant is responsible for the accuracy, applicability, and implementation of all appropriate resources, staff/sub-contractors, expenditures, documents, submittals, and any other project activities related to the land services project.

1. **Meetings**

The Consultant will be available for a minimum of one project planning meeting:

* An initial meeting will be held to identify the location and nature of the land project, define required services and contractors, identify needed surveying and mapping services, determine the number of parcels and parcel identification (assign parcel numbers) for land acquisition or land release, discuss relationship or dependencies with other airport development projects, and other items required to define the scope of work, schedule and costs for the project.

For complex airport boundary surveys and large land acquisition projects, a second meeting may be required:

* A meeting to review the preliminary findings of the airport boundary survey records research and field reconnaissance, and to determine the scope of work to complete the boundary survey; or
* A meeting to review the Survey and Records Finding Exhibit and the Land Acquisition Plan and determine the scope and approach for the remaining project of activities.

Meetings may be in-person or via teleconference as deemed appropriate for the project.

1. **Land Project Planning (Research, Planning and Environmental Documentation)**
   1. **Environmental Investigations**

The Consultant represents qualifications by training, experience, licensing that he/she is able to provide the Bureau the desired services in order to assist the Bureau in investigating and preparing the environmental documentation required for the airport land project. The Consultant will furnish to the Bureau complete and fully documented services. These services shall be performed in accordance with generally accepted standards of the profession and in conformance with Wisconsin Statutes, other appropriate and applicable state and federal laws, and FAA Orders 5100.37B, 1050.1E, 5050.4B and 1050.1E, Bureau policies and guidelines including *Environmental Investigations Guidelines for Land Acquisition,* and the Wisconsin Department of Transportation *Facilities Development Manual* where applicable for airport development projects.

Environmental services required by parcel:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Parcel No. /  Landowner | HazMat Phase 1 | HazMat Phase 2-4 | Pre-Demolition Investigation | Agricultural Impact Notice | Archeological/ Historical Assessment | Section 106 Coordination Support | Other |
|  |  |  |  |  |  |  |  |
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* **Hazardous Materials Site Assessment and Pre-Demolition Investigation**

All properties acquired under airport improvement projects require a Phase 1 Hazardous Materials Site Assessment Summary. The purpose of this assessment is to identify properties that may be contaminated, and if so, give a preliminary indication of the type of contamination which might be present. A site reconnaissance and record search will be conducted for each parcel that is expected to be acquired or where significant excavation is necessary. All fee simple land acquisitions must have a hazardous materials investigation, including pre-demolition investigations for lead, asbestos and other hazardous building materials, ***prior to*** appraisal. The appraiser ***must not*** condition the appraisal report with an assumption that the property is free of contamination.

* **Agricultural Impact Assessment**

The Department of Agriculture, Trade and Consumer Protection (DATCP) must be notified of any project which may involve the acquisition of 5 acres or more in land from an operating farm through the use, actual or potential, of eminent domain powers. Acquisition of easements, fee simple rights to property may all trigger the need for an Agricultural Impact Statement (AIS) if the property interests COULD be acquired by an agency or unit of government through condemnation.

The Consultant will prepare an Agricultural Impact Notice if the project involves an interest in more than 5 acres of any farm operation; or involving an interest in 5 or fewer acres in any farm operation, if the acquisition/condemnation would have a significant effect on any farm operation as a whole. A "farm operation" means "any activity conducted solely or primarily for the production of one or more agricultural commodities in sufficient quantity to be capable of contributing materially to the operator's support."

DATCP has 60 days to prepare the AIS once they have all the necessary information. There is a preparation fee, which must be paid prior to DATCP publishing the AIS. The acquiring agency/sponsor must NOT negotiate with, or make a jurisdictional offer to a landowner, until 30 days after the AIS is published and distributed to the required recipients.

The Agricultural Impact Notice and instructions can be found on the DATCP website:

[*http://datcp.wi.gov/Environment/Agricultural\_Impact\_Statements/index.aspx*](http://datcp.wi.gov/Environment/Agricultural_Impact_Statements/index.aspx)

* **Archeological/Historical Assessment**

An initial archeological investigation shall be accomplished by the Consultant to determine if undisturbed archeological materials or sites are present on properties or easements proposed to be acquired for this project. The initial investigation shall consist of a records search, field review, surface survey and shovel testing, as appropriate, and completion of appropriate forms, maps, and reports (see *Environmental Investigations for Land Acquisition*).

If no materials are found, or if the materials found consist solely of an "isolated find" and/or "widely scattered finds", or if the site is disturbed sufficiently to disqualify it for National Register consideration, the investigation shall be considered complete.

When important or potentially significant archeological material is found, the Consultant shall obtain authority to proceed and notify the Bureau that significant or potentially significant archeological materials have been found.

* **Section 106 Review Support**

The consultant will support the Bureau in completing, assembling and providing copies of the Section 106 Review Form and accompanying materials.

1. **Title Services**

The Consultant will obtain a 60-year title commitment, or other specified report, for each parcel or portion of the airport under review, and contact property owners or occupants to ascertain non-record interests and other factors potentially affecting acquisition and property title. The commitment should show the names of all owners, any mortgages, easements, liens or encumbrances, taxes and delinquent taxes, special assessments, judgments, and other documents of record, and must be updated prior to closing. The title report should include copies of all reference recorded documents.

The Consultant will review the title report for any defects, liens, or encumbrances that may conflict with airport grant assurances and conditions of state aid, and work with the Bureau and airport owner to remove or address items as deemed necessary. For fee acquisition parcels that have mortgage liens, the Consultant will work with the land owners to obtain a satisfaction of mortgage from the lien holder(s). For partial acquisitions that have mortgage liens, the Consultant will work with the land owners to obtain a subordination or partial release of mortgage from the lien holder(s).

The Consultant will check with the Bureau prior to obtaining additional title products or services. The Consultant will obtain GAP insurance and coordinate closing services and the preparation of title transfer documents with a Wisconsin title company. The Consultant will assure that closing documents and final title insurance policies are received by the Bureau.

1. **Records Research and Survey Reconnaissance**

The Bureau will make available for the land surveyor’s inspection and use, any records on previous land surveys and title information it has available. The land surveyor will be given instructions by the Bureau on the parcel numbers/identifiers, location, and approximate size of parcels to be acquired in fee simple or easement.

On small to medium size projects, obstruction surveys may conducted in conjunction with property surveys. When the determination of definitive lines for land is dependent on identifying obstructions and their extent, the obstruction surveys may be performed prior to property surveys. The land surveyor will research county surveyor records and records of deeds of the property to be surveyed, including adjacent properties, and determine what difficulties will be encountered in performing the land survey work and what monuments (PLSS and geodetic control) are expected to be used. The surveyor will also check local ordinances for surveying and mapping requirements unique to the local area (ex: plat review, coordinate reference system requirements).

1. **Survey and Property Records Exhibit**

When research and reconnaissance indicates a large number of missing survey corners or other problems in the project area, the Consultant shall prepare and submit a Survey and Property Records Exhibit depicting parcels to be acquired or area to be surveyed, and known survey control. This exhibit will be used to support discussions with the Bureau to determine the best procedure to follow in completing the land surveys. The exhibit should be of sufficient detail to show the framework of available survey and property information, to identify areas requiring additional PLSS surveys or monumentation, and to support land project planning and cost estimates.

1. **Land Acquisition Plan**

Large or complex land acquisition projects may be broken into two phases for purposes of budgeting or scheduling. Pre-land acquisition activities includes records research, field reconnaissance and surveys, and development of the Survey and Property Records Exhibit, if required. This information will be used to identify properties to be acquired and to develop a plan for completion of the remaining land acquisition project activities. When the land acquisition project is not phased, this plan is not required.

1. **Land Project Development**

Consultant to prepare and provide services for:

1. **Land Acquisition Meetings**

The Consultant will be available for a minimum of two meetings or conference calls:

* Pre-negotiation – A meeting will be held to identify the acquisition process, timelines, relocation assistance needs, and offers to land owners prior to initiating negotiation.
* Pre-settlement – A meeting will be held to review final offers to land owners prior to settlement.

These meetings may be conducted by teleconference for individual parcels as they approach settlement.

1. **Surveys, Maps, Exhibits and Conveyance Documents**

Fieldwork, surveys, property descriptions, maps and exhibits will be prepared under the supervision of a Wisconsin Professional Land Surveyor. Surveys will be prepared in accordance with the Bureau’s *Land Surveying and Mapping Guidelines for Airport Land Projects*.

Property surveys completed for the Bureau must meet state statutes, administrative code and regulatory requirements of local authorities for filing and/or recording of surveys. All surveys prepared for the Bureau must bear the stamp and signature of a Wisconsin Professional Land Surveyor. The surveyor will advise and recommend the appropriate survey type for the project:

CERTIFIED SURVEY MAP (C.S.M)

PLAT OF SURVEY

SURVEY MAP or SURVEY EXHIBIT

Subdivision and condominium plats should not be used for airport surveys or property descriptions unless authorized in advance by the Bureau. Certified Survey Maps and other Wisconsin Ch236 plats should not be used to develop or describe lease interests.

Surveys should be made of each property to be acquired or released. Property surveys will be the basis for appraisals, property descriptions, conveyance documents, airport boundary surveys, Exhibit A maps, Airport Layout Plans, and other airport maps.

When the title report for a property shows liens, encumbrances or defects, the Consultant will work with the Bureau to identify the need for a Title Encumbrance Exhibit. The encumbrance exhibit is intended to assist the appraiser, negotiator and property owner in understanding existing encumbrances on the property such as roadway and utility easements, avigation or clear zone easements, or other interests on the property title relevant to the acquisition.

Exhibit A maps are used to depict current airport property interests, historic parcels, proposed land acquisition, final land acquisition, reimbursements for land acquisition, land releases, and concurrent use agreements; maps for other purposes should not be labeled “Exhibit A”. The title block for Exhibit A maps should clearly identify the project number and type of Exhibit A map prepared for the project: Proposed Land Acquisition, Final Land Acquisition, Reimbursement, or Land Release. More detailed specifications for Exhibit A mapping are found in the *Surveying and Mapping Guidelines for Airport Land Projects*.

Fee simple and easement acquisitions should be completed using approved Bureau conveyance document forms and include and incorporate the property survey by reference. Maps should follow general mapping guidelines for coordinate reference system, format and content. Surveys and conveyance documents will be reviewed and approved by BOA prior to obtaining signatures or recording/filing. All surveys and conveyances must be recorded with the appropriate local officials.

1. **Relocation Order**

In accordance with Wisconsin Statutes 32.05(1) a Relocation Order shall be prepared and filed for all airport property acquisitions acquired under Wisconsin Statute Chapter 32. The Exhibit ‘A’ Map should be used as the Relocation Order map. The Relocation Order must be filed within 20 days of issuance and must be updated and current prior to commencing condemnation.

1. **Appraisal**

The Consultant will furnish appraisal services by a Wisconsin Certified General Appraiser, qualified by training and having recent airport experience, and able to prepare and furnish the appraisal reports required to determine current fair market value. The Consultant will furnish to the Bureau complete and fully documented appraisals of the parcels listed on the Exhibit “A” Proposed Land Acquisition Map.

The Consultant shall apply the legal opinions and conclusions of law as given by the Department; shall use proper and applicable appraisal techniques, methods and analyses; and, agrees to prepare the appraisal reports in accordance with the Bureau’s policies and guidelines, including the *Appraisal & Appraisal Review Guidelines.* The Consultant also agrees to use the BOA/FAA Certificate of Appraiser. The appraiser who inspected the property must be the person to officially sign the appraisal report.

All fee simple land acquisitions must have a hazardous materials investigation, including pre-demolition investigation for lead and asbestos in buildings, ***prior to*** appraisal. The appraiser ***may not*** condition the appraisal report with an assumption that the property is free of contamination.

The Consultant agrees to address/respond to all written requests for revisions or clarifications by the review appraiser within ten (10) business days (excluding federal holidays).

It is agreed that the Consultant shall be available to the Bureau for pretrial conferences with counsel and the Bureau for parcels contracted to appraise. It is also agreed that the Consultant will be available to the Bureau for court appearances and court testimony on its behalf on said properties. If pretrial conferences, court appearances or court testimony are needed, an amendment or separate contract will be negotiated.

1. **Appraisal Review**

The Consultant will furnish appraisal review services by a Wisconsin Certified General Appraiser, qualified by training and recent airport experience, and able to prepare and furnish the appraisal review reports required to determine current fair market value. The Consultant, typically through its acquisition agent, will complete an appraisal objective review to determine whether the appraisal report is of the correct type, whether the appraised area and interest match the property survey, whether the correct certificate of appraiser was completed, and whether the property owner was offered an opportunity to accompany the appraiser during inspection and that this was noted in the report.

The review appraiser will complete a BOA Agency Appraisal Review, Certification and Recommendation form for each agency appraisal for the parcel(s) listed on the Exhibit “A” Proposed Land Acquisition Map. The review appraiser will complete a BOA Owner Appraisal, Review and Certification for all property owner second appraisals. The same review appraiser should review both the agency and property owner appraisals.

The Consultant shall apply the legal opinions and conclusions of law as given by the Department; shall use proper and applicable appraisal techniques, methods and analyses; and, agrees to prepare the appraisal review reports in accordance with the Bureau’s policies, *Appraisal and Appraisal Review Guidelines for Land Acquisition.* The appraiser who completed the appraisal review must be the person to officially sign the appraisal review report.

1. **Negotiation**

The Consultant represents qualifications by training and recent airport land acquisition experience that he/she is able to provide the Bureau the desired negotiation services. The Consultant will furnish to the Bureau complete and fully documented negotiation services. These services will be provided in conformance with BOA land acquisition guidance, Wisconsin Statutes, and other appropriate and pertinent state and federal laws, policies and guidelines described as responsibilities in this contract.

Offers will be presented to owners, in person where possible, and at the earliest possible time the affected owners are willing to meet with Consultant personnel. Attempts to schedule appointments will begin immediately upon receipt of the reviewed and approved appraisal. All reasonable efforts will be made to secure a voluntary settlement. As a part of the negotiation process, IRS form W-9 filings will be completed and payment authorizations and/or other required documentation will be completed.

A negotiation agent’s diary will be maintained detailing all contacts and attempted contacts with each owner. If a property owner decides not to obtain a second appraisal, that information and date of occurrence should be noted on the negotiation diary. When owners request increase payment or have other requests, this information will be forwarded to the Bureau immediately. Follow up contacts in response to the owners’ requests will be made immediately upon obtaining responses from Bureau personnel.

The Consultant shall send a project introduction letter and the Department of Administration’s *Rights of Landowners Under Wisconsin Eminent Domain Law* brochure to each parcel owner at the start of the project. The brochure should also be included as part of the initiation of negotiations, or first offer letter. The Bureau will review all project introduction and offer letters and materials prior to their use.

1. **Relocation**

The Consultant represents qualification by training and recent airport land acquisition experience that he/she is able to prepare and furnish to the Bureau the desired relocation services. The Consultant will distribute copies of Department of Administration’s *Wisconsin Relocation Rights - Residential* or *Wisconsin Relocation Rights - Business, Farm and Non-Profit Organizations*, and note the date of distribution in the relocation diary.

The Consultant agrees to provide the following services:

**Residential Displacement**

* Advise prospective tenants on lease agreements, tenant/landlord responsibilities, security deposit practices, rental ranges, etc.
* Assist in planning moving arrangements including the transfer of utility services.
* Assist prospective homeowners in obtaining mortgage financing and aid in the preparation of offers to purchase. Assist in obtaining related documents, e.g., credit reports, appraisals, surveys, etc.
* Continually gather data commensurate with the displacee’s needs and advise them accordingly. Provide current information on the availability of rental/sale of housing in the general area. Inspections will be made of those units that the displacee’s actually rent or purchase as their replacement units to certify that they are decent, safe and sanitary.
* Counsel each individual and family concerning their specific needs regarding replacement housing that is decent, safe and sanitary, is suitably located and within their financial means.
* Make personal contacts for the purpose of discussing and providing leads, referrals and all other matters necessary for successful relocation. Personal contacts will be determined upon the complexity of the displacement and the level of availability in compliance with the spirit and intent of the relocation program.
* Provide all required written notices, delivered by personal contact whenever feasible, to ensure full understanding of eligibility requirements, payment options, project information and other notices required by law or regulations.
* Provide assistance on claims for relocation payments to which each displacee may be eligible.
* Provide information and referrals to local welfare and social service assistance agencies when there appears a need for such service.

**Business Displacement**

* Advise displacee’s of their relocation claim entitlements and assist them in filing their claim with full documentation.
* Assist in obtaining or transferring business licenses and permits.
* Assist owners of displaced business concerns in obtaining and becoming established in suitable business locations.
* Contact with each business unit will be made at regular intervals during which various leads or referrals will be offered.
* Inform business concerns of the Small Business Administration entitlements when federal aid is involved.
* Jointly develop an inventory of personal property to be moved.
* Maintain close contact with agencies and brokers dealing in commercial and business space.
* Maintain listings of vacant or available business sites.

The Consultant shall apply the legal opinions and conclusions of law as given by the attorney for the Department/project and shall use proper relocation techniques, methods and analyses applicable, agrees to perform the relocation service and payments plan, if applicable, in the approved formats to be provided by the Bureau as such formats are applicable and in accordance with all instructions provided.

It is agreed that the Consultant shall be available to the Bureau for pretrial conferences with counsel and the Bureau. It is also agreed that the Consultant will be available to the Bureau for court appearances and court testimony on its behalf on said properties. If pretrial conferences, court appearances or court testimony are needed, an amendment or separate contract will be negotiated.

1. **Real Estate Closing Services**

After agreement is reached with property owners, the Consultant, using title company services, will close the transaction, obtain executed documents and forms, and perform all related closing services for the parcels. At closing, the prorated portion of taxes due will be paid directly to the local municipality.

1. **Eminent Domain**

When it becomes apparent that negotiations have reached an impasse and sufficient time has elapsed for the property owner to make a decision, the Consultant will support the Bureau in taking the necessary action to proceed with condemnation. Consultant services will be coordinated with legal experts separately contracted by the Bureau.

The Consultant agrees to provide the following services:

* File updated relocation order and map
* Coordinate the amount of compensation
* Prepare any necessary Administrative Settlement Reports
* Provide technical support and exhibits as requested

If pretrial conferences, court appearances or court testimony are needed, an amendment or separate contract will be negotiated.

1. **Land Release Documentation**

Prior to the sale or disposal of airport property under aeronautical obligation, the airport may need to prepare a land release request for review by the Bureau of Aeronautics and the Federal Aviation Administration. The request must meet the requirements of FAA Order 5190.6B *Compliance Manual*, Chapter 22 and FAA Great Lakes Region PPM 5190.6, dated June 14, 1994. The Consultant will work with the Bureau and the airport owner to develop responses to questions found in PPM 5190.6 Appendix 2 and to identify other supporting documents and materials necessary to support the land release request. Similar to a land acquisition project, land release requests must include a title review, survey, appraisal, appraisal review, and draft conveyance documents representing the real estate transaction.

1. **Land Surveys, Mapping, and Airport Property Information**

More detailed specifications for surveying and mapping on Bureau land projects can be found in *Land Surveying and Mapping Guidelines for Airport Land Projects*.

* **Airport Boundary Survey**

Airport boundary surveys may be required after large land acquisition or release projects that significantly alter airport boundaries, or to support airport master planning, Exhibit ‘A’ Map or Airport Layout Plan updates, fencing projects, or other airport development activities. The airport boundary survey should be based on a title review of existing airport property, field reconnaissance of property corners and evidence of occupation, and a thorough search of local public records. The Consultant should review airport title for any liens, encumbrances or defects that may conflict with the airport owner’s ability to meet their grant assurances. These should be discussed with the airport owner and Bureau to determine their resolution. The Consultant will recommend the appropriate survey document for the boundary survey.

* **Airport Land File**

The airport Land file contains the information needed by airport owners, FAA and BOA to manage current and historic airport property information. The Land file is viewed as the central repository of airport property information and provides the basis for Exhibit ‘A’ Map and ALP updates. Consultants shall obtain a copy of the most current airport Land file from BOA when updating property information on Exhibit A maps. The consultant should edit and supplement the Land file based on property record research and do so in a manner that the consultant’s changes are readily apparent. Changes to the file will be reviewed at the end of the project to assist BOA in finalizing the master copy maintained for the airport.

* **Exhibit ‘A’ Mapping**

The Exhibit ‘A’ Map is the official airport property record and serves as the basis of the Airport Layout Plan. The Exhibit ‘A’ Map must show all dedicated airport property regardless of the type of funds (federal, state, local, etc.) used to acquire that property. The map must also indicate other detached parcels owned by the airport sponsor that are dedicated to airport purposes. The Exhibit ‘A’ Map must be kept current and will be updated when there are changes to airport property. The Exhibit ‘A’ Map also serves as a project map when airport property is being acquired or released, or when property interests are granted to others.

The Exhibit ‘A’ Map must be based on a thorough review of all land records and shall leverage the existing documentation, including the Bureau’s airport land records and airport Land file and sponsor records and documentation. The Consultant will identify any additional research and survey work that must be completed to support the mapping update. When additional property information is discovered, it will be integrated with sponsor and BOA records.

Exhibit ‘A’ Map property tables and schedules must be derived from the airport’s Land file.

In addition to the Exhibit ‘A’ Map, final project deliverables will include the Wisconsin SOP#3 Checklist, an updated airport Land file and property information in hard copy and digital format, organized in a manner similar to BOA’s permanent airport land records. Other formats may be considered with prior review and approval.

Surveys, maps and exhibits, as checked, shall be prepared as part of this contract:

|  |  |  |
| --- | --- | --- |
| **Surveys, Maps, and Exhibits** |  |  |
| Obstruction Exhibits | Yes | No |
| Survey and Property Records Exhibit (large projects only) | Yes | No |
| Airport Boundary Survey | Yes | No |
| Property Surveys (CSM, Plat of Survey, etc) | Yes | No |
| Title Encumbrance Exhibits | Yes | No |
| Relocation Order Maps | Yes | No |
| Conveyance Maps | Yes | No |
| Exhibit A Map – Proposed Land Acquisition & revisions | Yes | No |
| Exhibit A Map – Final Land Acquisition | Yes | No |
| Exhibit A Map – Airport Property & Airport Property Inventory Mapsheets | Yes | No |
| Other: | Yes | No |
|  |  |  |

**Section C. Project Administration**

1. **Separation of Duties**

To ensure federal or state participation, all agencies must comply with the separation of functional requirements when federal or state funds are involved in any part of the land acquisition project. Separation of function requires the person who conducts the negotiations must not make the appraisal or act as the review appraiser, except that the appraiser may be permitted to negotiate an acquisition where the value of the acquisition is $2,500 or less. Similarly, the appraiser and review appraiser should be independent functions and not persons employed by the same firm.

1. **Standards and Guidelines**

All Consultant and sub-consultant surveying, mapping, and land acquisition/release services, including title services, surveys, appraisals, negotiations, acquisition services, maintenance of properties, relocation, and maintenance of project and parcel files, will be according to the Uniform Act, FAA requirements, Wisconsin Statutes, Wisconsin Administrative Codes, and the Wisconsin Department of Transportation, Bureau of Aeronautics *Surveying and Mapping Guidelines for Airport Land Projects*, *Appraisal and Appraisal Review Guidelines for Land Acquisition*, and other policies and guidelines.

1. **Records Management**

The Consultant will provide records management services consistent with the requirements of the Bureau, and will deliver project documents and files in a manner that supports project needs and long term airport land records management. Documents shall be managed in a manner that supports BOA review and approval, version control, and timely distribution of correct final versions to sub-consultants for their use on the project.

* **Parcels and Parcel Numbers**

Airport parcels are defined by common ownership, not by tax parcel descriptions. A parcel includes not only a single tract of land embraced within a particular conveyance document, but all contiguous tracts in common ownership. For example, contiguous lots in a platted subdivision, in common ownership, constitute a single parcel. Future property acquisitions should be identified by general area only and should not be assigned parcel numbers in advance of the acquisition project.

Parcel numbers used for airport land acquisition are managed by the Bureau. Consultants should check with the Bureau as early as possible to obtain parcel numbers used for project maps, property descriptions and other documents. Deeds and surveys cannot be completed and should not be signed or recorded without verifying parcel numbers.

* **Document Preparation and Recording**

The Consultant must use Bureau approved forms for land projects and will work with Bureau staff on the development of the same if the Bureau does not have pre-approved forms. BOA real estate documents allow consultants to add information in specific location in the document. Other portions of the document, especially deed terms and conditions, shall not be modified or altered without obtaining prior written approval from the Bureau.

The Consultant will review title information to identify parties who must execute documents, and will prepare appropriate offer letters, administrative revisions, deeds and other required forms and documents. Conveyance documents will be reviewed and approved by BOA prior to obtaining signatures. For survey projects, the Consultant will research state and local review and approval requirements and coordinate any required approvals.

The Consultant will record or file approved documents (surveys, deeds, relocation orders, etc.) with the appropriate local government agency. Documents must be reviewed and approved by the Bureau prior to filing or recording.

* **Land Acquisition/Land Release Parcel Files**

All project documents and materials should be transmitted to the Bureau ***as they are completed***. At the end of the project, the Bureau requires, at a minimum, the documents listed on BOA *Checklist for Land Acquisition & Reimbursement,* including all diaries and other correspondence between Consultant and property owners. The Bureau will review its parcel file at the end of each project and request any missing documents. The Consultant will transmit all final project work products to the Bureau within thirty (30) business days following the property closing.

1. **Ownership of Data and Documents**

Original tracings and photo transparencies, field notes, title searches, appraisal reports and reviews, negotiator diaries, CADD and GIS files, and other documents and digital files developed or obtained within the costs of the land acquisition project shall become the property of the Owner. Copyright for materials prepared under this contract shall be transferred to the Owner. The Consultant shall make copies of all files and documents (not transmitted as developed) available to the Bureau at the close of the project.

1. **Deliverable Timeline**

The schedule of deliverables for this project is outlined in the following table:

|  |  |  |
| --- | --- | --- |
| Item | Preliminary | Final |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

1. **Invoicing**

The Consultant shall use Consultant Land Services Contract Invoice for invoicing purposes.

**PART II. OTHER PROVISIONS**

**PART III. SPECIAL ATTACHMENTS**

***See WisDOT online - Doing Business/Airports/Forms and documents - for supporting contract materials:***

[***www.dot.wisconsin.gov/business/engrserv/airports/forms-documents.htm***](http://www.dot.wisconsin.gov/business/engrserv/airports/forms-documents.htm)

**Checklist for Land Acquisition/Reimbursement**

**Environmental Investigations Guidelines for Land Acquisition**

**Surveying and Mapping Guidelines for Airport Land Projects & Wisconsin SOP#3 Checklist**

**Appraisal and Appraisal Review Guidelines for Land Acquisition**

**Land Acquisition Progress Report**

**Consultant Land Services Contract Invoice**

**Sponsor Certification for Land Acquisition (Contact Teresa Klein for this form)**

**Project Monthly Progress Report**