**WisDOT Real Estate related state statutes, administrative code and federal laws/regulations**

State statute references and links:

* [Table of Contents](https://docs.legis.wisconsin.gov/statutes/prefaces/toc)
* [Chapter 32](https://docs.legis.wisconsin.gov/statutes/statutes/32) Eminent Domain
* [Chapter 60](https://docs.legis.wisconsin.gov/statutes/statutes/60) Towns
* [Chapter 61](https://docs.legis.wisconsin.gov/statutes/statutes/61) Villages
* [Chapter 62](https://docs.legis.wisconsin.gov/statutes/statutes/62) Cities
* [Chapter 66](https://docs.legis.wisconsin.gov/statutes/statutes/66) General Municipality Law
* [Chapter 70](https://docs.legis.wisconsin.gov/statutes/statutes/70) Taxation
* [Chapter 77](https://docs.legis.wisconsin.gov/statutes/statutes/77) Real Estate Transfers Fees; Managed Forest; Croplands; etc.
* [Chapter 82](https://docs.legis.wisconsin.gov/statutes/statutes/82) Town Highways
* [Chapter 83](https://docs.legis.wisconsin.gov/statutes/statutes/83) County Highways
* [Chapter 84](https://docs.legis.wisconsin.gov/statutes/statutes/84) State Trunk Highways; Federal Aid
* [Chapter 85](https://docs.legis.wisconsin.gov/statutes/statutes/85) Replacement Lands
* [Chapter 86](https://docs.legis.wisconsin.gov/statutes/statutes/86) Miscellaneous Highways
* [Chapter 88](https://docs.legis.wisconsin.gov/statutes/statutes/88) Drainage
* [Chapter 91](https://docs.legis.wisconsin.gov/statutes/statutes/91) Farmland Preservation
* [Chapter 244](https://docs.legis.wisconsin.gov/statutes/statutes/244) Uniform Power of Attorney for Finances and Property
* [Chapter 703](https://docs.legis.wisconsin.gov/statutes/statutes/703) Condominiums
* [Chapter 706](https://docs.legis.wisconsin.gov/statutes/statutes/706) Conveyances of Real Property, Recording, Titles
* [Chapter 751](https://docs.legis.wisconsin.gov/statutes/statutes/751) Supreme court
* [Chapter 752](https://docs.legis.wisconsin.gov/statutes/statutes/752) Court of appeals
* [Chapter 753](https://docs.legis.wisconsin.gov/statutes/statutes/753) Circuit courts
* [Chapter 755](https://docs.legis.wisconsin.gov/statutes/statutes/755) Municipal court
* [Chapter 840](https://docs.legis.wisconsin.gov/statutes/statutes/840) Real Property Actions; General Provisions
* [Chapter 846](https://docs.legis.wisconsin.gov/statutes/statutes/846) Real Estate Foreclosure
* [Chapter 847](https://docs.legis.wisconsin.gov/statutes/statutes/847) Misc. Real Estate Actions
* [Chapter 893](https://docs.legis.wisconsin.gov/statutes/statutes/893) Limitations…for Claims Against Governmental Units
* [Chapter 985](https://docs.legis.wisconsin.gov/statutes/statutes/985) Publications of legal notices; Public Newspapers; Fees

**Administrative Code**

* [Trans 201](https://docs.legis.wisconsin.gov/code/admin_code/trans/201) Control of Outdoor Advertising
* [Chapter Adm 92](https://docs.legis.wisconsin.gov/code/admin_code/adm/92) Relocation Assistance

**Federal Law/Code**

* [Title 23 Highways](https://www.ecfr.gov/cgi-bin/text-idx?SID=ea3545f7285cf886e1060c3d7fb6e1a0&mc=true&node=pt23.1.710&rgn=div5) Part 710 Right of Way and Real Estate
* [Acquisition of Real Property](https://www.fhwa.dot.gov/real_estate/uniform_act/acquisition/)
* [49 CFR Part 24](https://www.ecfr.gov/current/title-49/subtitle-A/part-24) Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally - Assisted Programs
* [Project Development Guide](https://www.fhwa.dot.gov/real_estate/right-of-way/corridor_management/pdg/pdg00.cfm)  All FHWA Aspects for Project Management

**Facility Development Manual (FDM)**

* [https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx](http://apwmad0a4030:37108/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx)

**ADVERSE POSSESSION:**

893.24 thru 893.30  
 893.29(1) Adverse Possession of Government Land Not Allowed.

**AUTHORITY TO ACQUIRE:**

City - 62.22(1) and (1m)  
 County - 83.07, 83.08  
 State - 84.09(1)  
 Town - 60.50(1)  
 Village - 61.34(3) and (3m)

**COUNTY HIGHWAYS:**

Chapter 83

**DRAINAGE:**

88.87 Obstruction of Drainage

**EMINENT DOMAIN:**

32.05(1)(b) $1,000 Project Rule  
32.05(5) Contesting Right to Take  
32.05(6) 20 day JO timelines  
32.05(8) Writ of Assistance (also see 843.17)  
32.05(8)(b) 90 day assurance, and 30 day rent-free statute  
32.05 Condemnation of Transportation Facilities  
32.06(2) Appraisal Rights  
32.09(4) Median a Police Power and No Right to Traffic  
32.09(6)(b) Deprivation or Restriction of Access, except when authorized by police power  
32.09 Just Compensation  
32.10 Inverse Condemnation  
32.12 Defective Title  
32.18 Damage by Change of Grade w/No Taking  
32.19 Relocation   
32.28 Litigation Costs and Appeal from Condemnation

**FARMLAND PRESERVATION:**

91.19(6m)

**FORECLOSURES:**

846

**FUNCTIONAL REPLACEMENT OF REAL PROPERTY IN PUBLIC OWNERSHIP:**

23 CFR, 710.509

**INTESTATE HEIRS:**

852.01

**LIS PENDENS:**

840.10

**MAIN FEDERAL REGULATIONS FOR HIGHWAY REAL ESTATE:**

23 CFR and 49 CFR

**MARITAL PROPERTY:**

766

**MISCELLANEOUS HIGHWAY PROVISIONS:**

86.03 Trees on Highway  
 86.04 Hwy Encroachments  
 86.05 Entrance to highway restored, and no damage due to access removal during construction  
 86.07(2) Driveway Permits  
 86.191 Advertising in R/W Prohibited  
 86.255 ¼ Mile Rule  
 86.32 Connecting Highways

**MUNICIPAL HIGHWAYS:**

82.16 Hwy Order Presumed  
 82.18 Width of highways

**MUNICIPAL LAWS:**

62.22(4)(e) City vacated R/W offset for acquired R/W  
 66.0301 Intergovernmental and Tribal Cooperation for Acquisitions  
 66.0425 Privileges in Streets  
 66.0705(1)(a) Special Assessment of R/W and Abandoned RXR Not Allowed  
 66.1005 Reversion of Title in Streets (Municipality)  
 66.1035 Rights of Abutting Owners   
 66.1037 Beautification and protection

**PLATS/CSM/DEDICATIONS:**

236  
 236(29) Dedications for Public Use (streets, etc.)

**PROPERTY:**

703 Condominiums  
 704.19 Notice to Terminate Tenants  
 706 Conveyance of Real Property  
 706.055 and 706.057 Mineral Rights

**PROPERTY TAX ASSESSMENT EXEMPTION:**

70.10   
70.11(1)

**SATISFACTION OF MORTGAGE:**

428.104(1)

**STATE TRUNK HIGHWAYS:**

84.01(10) Right of Entry for Survey and Inspections  
 84.013 Major Highway Projects  
 84.09 Acquisition of Land and Interest  
 84.095 TPP Plats  
 84.20 Repair of Detour and Haul Rds (Subj. to 86.255; 1/4 mile rule)  
 84.25 Controlled Access Highway  
 84.295 Freeway and Expressway  
 84.30 Outdoor Advertising  
 84.305 Vegetation Obstruction of OA Signs  
 84.31 Junkyards

**WisDOT:**

85.04 Acquisition of Replacement Lands

\*\*Above links and references are non-inclusive

\*Reviewed 05/2023