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Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: May 6, 2025

Re: Discussion and Action on Temporary Limited Easement Acquisitions for N Dousman Road Multi-Use Trail Project

PURPOSE:

To provide an update and to receive direction from the Village Board with regard to temporary limited easements that are required as part of the N Dousman Rd Multi-Use Trail Project.

BACKGROUND:

A 60% Design meeting was held on April 29th between Director Nash, WisDOT, and Strand. At the meeting, there were several topics discussed that impact the acquisition of ROW and Temporary Limited Easements (TLEs) for this project. During the meeting, there were several questions brought up that participating WisDOT staff were unable to answer. A follow-up meeting was held virtually on May 5th that included a WisDOT contract employee who is knowledgeable in real estate process requirements. The information provided at the meetings that affects the project is summarized below:

50' Dedication of ROW for SUMT0659999 and SUMT0657997

There are two subject parcels on N Dousman Rd that are affected by the project that include all or a portion of N Dousman Rd within their legal property boundary. Since N Dousman Rd has been maintained as a public roadway for decades, a prescriptive 66' ROW exists per state statute (33' from the centerline of the road in either direction).

The Village had originally desired to acquire the full 50' of ROW for the two properties as part of this project. However, this will not be allowed to be completed as part of the project unless the Village obtains an appraisal and offers to pay fair market value for the 17' of ROW in excess of the statute-allowed 33' of public ROW from the road centerline. This process must be followed since the Village is utilizing federal funding through the TAP program, which limits the ability of the Village to acquire this land without compensating property owners. Funding was not included in the project for Fee Acquisition of ROW.

The Village may formally acquire the full width of the ultimate ROW when the parcels are divided or when a CSM is created at some point in the future. The path is able to fit within the 33' of prescriptive ROW, although it may need to be adjusted slightly in areas where more clearance was provided due to the assumption that there would be 50' of land.

Temporary Limited Easements (TLEs)

The path will be located fully within the public ROW in all areas, with the exception of Genesee Lake Road Park. The Village Board has already approved the location of the path to be further into the park property to provide more space between the roadway and the path, as well as to minimize impact to existing trees along Genesee Lake Rd.

Due to the proximity of the path to private property lines in areas with only 33' of ROW, the Village will be required to obtain 6 separate TLEs, which will cover any grading or encroachment of equipment across the property line that may be required as part of the project. In most cases, there should be no impact to private properties. The TLEs will each request an area of 10' beyond the property line.

TLEs for construction on private property will require formal appraisals and offers to the affected property owners with fair market value. Since these are temporary, the value should not be significant. It is important to note that any trees that are removed from private property will need to be accounted for in the appraisals.

To move forward, the Village and Strand will need to complete the following:

1. Receive approval from WisDOT of a Design Study Review (DSR)
This is already required as part of the project, and Strand believes that the signed DSR should be received sometime in June. There have been some delays that are impacting this timeline (WisDOT-related).
2. Record a Transportation Project Plat (TPP) with the Waukesha County Register of Deeds
Strand is updating a TPP with the revised highway easements, which has been included in their scope of services. Once this is completed, staff will have the document recorded.
3. Hire an acquisition agent, appraiser, and review appraiser that is approved by WisDOT
WisDOT will be sending an approved list to assist the Village with selection of approved agents and appraisers. **Costs related to having appraisals completed or having to make fair market value offers to property owners is an unexpected cost and was not included in the scope of the project.** It is unclear what the cost for the appraisal services will be, nor is it known what the appraisal values for each of the TLEs will be. It is not anticipated to be a significant amount since it is a small area for a limited duration of time.
4. Schedule a kickoff meeting with Strand and WisDOT Real Estate
Once an acquisition agent and appraisers have been obtained, a meeting must be held to ensure that roles, responsibilities, and deadlines are understood by all parties.

RECOMMENDATION:

Staff are looking for the following direction/action:

- Approval to move forward with obtaining an acquisition agent, appraiser, and review appraiser to complete appraisals for the 6 TLEs that are required from private property owners.

Note: If the Board is comfortable authorizing staff to hire parties up to a certain dollar amount (e.g., \$5,000) without having to come back for approval, it would help expedite the process. We are on a compressed timeline, and we will only have 1.5 – 2 months to

complete the acquisition process. In either case, appraisals will be brought to the Village Board for approval before any official offers are made to property owners.

ATTACHMENTS: N/A

FISCAL IMPACT: To be determined, based on direction from the Village Board and quotes received for acquisition/appraisal contractors.

RECOMMENDED MOTION: *Option 1 - If Village Board authorizes staff to obtain quotes and award work up to a specific amount (e.g., \$5,000) without additional approval:*

Motion to authorize staff to enter into an agreement with an acquisition agent, appraiser, and review appraiser for the purpose of completing appraisals for required Temporary Limited Easements for the N Dousman Rd Multi-Use Trail Project at a cost not-to-exceed \$5,000.

Option 2 - If the Village Board prefers that proposals are obtained for review prior to approval:

Motion to authorize staff to obtain proposals from WisDOT-approved acquisition agents and appraisers for the purpose of completing appraisals for required Temporary Limited Easements for the N Dousman Rd Multi-Use Trail Project, to be brought back to the Village Board at a later meeting for approval.