This pamphlet is published by the Wisconsin Department of Administration in cooperation with the Attorney General pursuant § 32.26(6), Wis. Stats. It provides information on how the Wisconsin condemnation process works, but is not intended to be a substitute for legal assistance. An acquiring authority must make this pamphlet available to potentially impacted property owners prior to initiating negotiations for property that may be acquired for a public project.

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The Rights of Landowners Under Wisconsin Eminent Domain Law

INTRODUCTION
The Wisconsin Constitution, Article 1, section 13 establishes eminent domain authority, which is the power to take private property for a public purpose with payment of just compensation. The Eminent Domain Statute, Wis. Stats. Ch. 32, vests several public and private entities with eminent domain power. Condemnation is the legal process by which the acquiring authority exercises its eminent domain power.

The following are jurisdictional requirements that the acquiring authority must obey in order to condemn property. An acquiring authority must respect these stipulations regardless of whether it intends to exercise its eminent domain power to condemn property.

RELOCATION ORDER
The Eminent Domain Statute requires specific entities to make a relocation order that provides for the laying out, relocation and improvement of a transportation-related facility prior to initiating negotiations. The order must include a map or plat showing the old and new facility locations, as well as the land and interests required for the project. Within 20 days of its issue, a copy of the order must be filed with the county clerk where the lands are located.

APPRAISAL
The acquiring authority must obtain at least one appraisal for each property it will acquire prior to initiating negotiations. When obtaining and drafting the appraisal, the appraiser must consult with the property owner. Once completed, the appraiser must provide the property owner with a full narrative appraisal. Also, the acquiring authority must notify the property owner that he may obtain his own appraisal at the (reasonable) expense of the acquiring authority, which must be submitted to the acquiring authority within 60 days of obtaining the acquiring authority’s appraisal.

NEGOTIATIONS
The acquiring authority must negotiate with the property owner for the property purchase and must consider the full narrative appraisal to establish the property’s fair market value during negotiations. It must provide a map showing all property the project impacts and the names of at least 10 neighbors who are receiving offers. If the project affects fewer than 10 owners, the acquiring authority must give the names of all offerors. Property owners may inspect and make copies of any maps the acquiring authority holds. The acquiring authority may consider relocation benefits during negotiations.

In partial acquisitions, fair market value is the greater of either the fair market value of the part acquired or the difference between the entire property value before acquisition and its value after. If only part of the property is acquired and an uneconomic remnant remains, the acquiring authority must also offer to acquire the uneconomic remnant. An uneconomic remnant is the property remaining after a partial taking, if the property remaining is of such size, shape or condition to be of little value or of substantially impaired economic viability. Compensation for an easement is either the difference between the property value immediately before and immediately after the date of evaluation. The date of evaluation is the date the conveyance is recorded in the register of deeds in the county holding the property.

If the property owner agrees to a negotiated sale, the acquiring authority must record the conveyance with the county register of deeds. After recording, the acquiring authority must provide notice of the conveyance to all owners of record, by certified mail or personal service, as well as of their right to appeal the compensation award within 6 months of the recording date.

Procedures Under §32.05 Wis. Stats.: Highways, Streets, Storm & Sanitary Sewers, Watercourses, Alleys, Airports and Mass Transit Facilities

This brochure provides information on how the condemnation process works in Wisconsin, including the rights of property owners impacted by this process. More detailed information is available in Wisconsin Statutes Chapter 32.

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Unless he award of the condemnation or basic award amounts may not be disclosed during trial. No other party of interest can file a waived by both parties. The jurisdictional offer separate appeal, but may join the existing appeal by providing notice to the condemnor and the appellant by certified mail or personal appeal.

Displaced person if: (1) the acquiring authority abandons the proceeding; (2) the court decides the condemnor does not have the right to party appeals the award to the circuit court; (5) the jurisdictional offer or the highest written offer action under Wis. Stat. s. 32.10; (4) the condemnation commission award that exceeds the court-approved jury verdict under s. 32.05(10) exceeds the jurisdictional offer or the highest written offer prior to it by $700 and 15% or more; (6) the condemnee appeals a offer prior to it by $700 and 15% or more, if the condemnation commission award that exceeds the jurisdictional offer or the highest written offer prior to it by 15% if the condemnation commission award exceeds the jurisdictional offer prior to it by $700 or 15%.

Any party having ownership interest in the acquired property has 2 years from the date of evaluation to challenge the compensation award. To challenge the award, any party of interest must appeal to the judge for the circuit court holding the property for assignment to the condemnation commission. When one party of interest appeals the award, no other party may file a separate appeal, but instead must join the existing appeal by serving notice on the condemnor and the appeal unless waived by both parties. The jurisdictional offer, the basic award, or the condemnation award may not be disclosed during the trial. Awarded money must be paid within 60 days of the judgement entry.

Parties with ownership interest in the acquired property may waive the appeal to the circuit court of the county holding the property. The condemning authority may appeal the condemnation award to the supreme court for review of any question of law. When the condemning authority appeals, the same rules of evidence apply as in other civil actions. The condemning authority may appeal the condemnation award to the supreme court for review of any question of law. When the condemning authority appeals, the same rules of evidence apply as in other civil actions.

The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court. The right of possession of property is in no way impaired by the decision of the court.