



2005 ASSEMBLY BILL 534

July 5, 2005 – Introduced by Representatives AINSWORTH, ALBERS, BALLWEG, BIES, DAVIS, J. FITZGERALD, FREESE, FRISKE, GARD, GIELOW, GOTTLIEB, GRONEMUS, GUNDERSON, GUNDRUM, HAHN, HINES, HONADEL, HUEBSCH, HUNDERTMARK, JENSEN, JESKEWITZ, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KRAWCZYK, KREIBICH, LAMB, F. LASEE, LEMAHIEU, LOEFFELHOLZ, LOTHIAN, MCCORMICK, MEYER, MONTGOMERY, MOULTON, MURSAU, MUSSER, NASS, NERISON, NISCHKE, OTT, OWENS, PETROWSKI, PETTIS, PRIDEMORE, RHOADES, STEINBRINK, STONE, STRACHOTA, SUDER, TOWNS, TOWNSEND, UNDERHEIM, VAN ROY, VOS, VRAKAS, VUKMIR, WARD, WIECKERT, M. WILLIAMS and WOOD, cosponsored by Senators ZIEN, BROWN, A. LASEE, LEIBHAM, OLSEN and ROESSLER. Referred to Committee on Property Rights and Land Management.

1 **AN ACT** *to amend* 84.09 (5m); and *to repeal and recreate* 84.09 (5) of the
2 statutes; **relating to:** sale, by the Department of Transportation, of surplus
3 real property.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may acquire real property for use in transportation projects. If DOT determines that the property is no longer necessary for the state's use for transportation purposes, it may petition the governor's office for permission to sell the property or to convey the property to the municipality in which the property is located.

Under this bill, DOT need not petition the governor before it sells or conveys real property that is no longer necessary for transportation purposes. However, the bill requires DOT to sell or convey, within 12 months of completing the transportation project for which the property was acquired, real property that is no longer necessary for transportation purposes. If the property has no marketable value, DOT must convey the property at no cost to whomever owns adjoining property. If the property has limited marketable value (i.e., the property only has value to adjoining landowners), DOT must offer the property for sale at its appraised value. If, within six months, the property does not sell, DOT may accept sealed bids for the sale of the property. The bill requires DOT to sell generally marketable land via sealed bids.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 84.09 (5) of the statutes is repealed and recreated to read:

2 84.09 (5) (a) The department shall sell or transfer ownership of the property
3 that the department determines is no longer necessary for the state's use for
4 transportation purposes, if the property is not the subject of a petition under s.
5 560.9810 (2). The department shall offer the property as follows:

6 1. The department shall transfer, at no cost to the prospective owner, any real
7 property that has no marketable value to the owner or owners of property adjoining
8 the property owned by the state.

9 2. The department shall offer real property that has limited marketable value
10 at its appraised value for not less than 6 months. If the department does not sell the
11 property at or above its appraised value, the department shall solicit sealed bids for
12 the sale of the property.

13 3. The department shall solicit sealed bids for the sale of real property that has
14 general marketable value.

15 (b) The department shall sell or transfer property as provided in par. (a) within
16 12 months of completion of a transportation project for which the department
17 acquired property under this section, or within 6 months of determining that the
18 property is is no longer necessary for the state's use for transportation purposes,
19 whichever occurs first.

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1 (c) The funds derived from sales under this subsection shall be deposited in the
2 transportation fund, and the expense incurred by the department in connection with
3 the sale shall be paid from such fund.

4 **SECTION 2.** 84.09 (5m) of the statutes is amended to read:

5 84.09 **(5m)** ~~Subject to the approval of the governor in the manner and form~~
6 ~~provided by sub. (5), the~~ The department may sell or convey lands or interests therein
7 acquired pursuant to this section and improvements installed thereon to
8 municipalities within whose limits such lands or interests therein are located. The
9 sale or conveyance of said lands or interests therein and improvements shall restrict
10 the use of the premises by the municipality to the uses for which they were acquired,
11 except that said lands or interests therein declared by the department to be excess
12 may be so sold or conveyed without restrictions as to use.

13

(END)