



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Assistance



September 16, 1985

BUREAU OF RAILROADS  
AND HARBORS  
4802 Sheboygan Avenue  
P. O. Box 7914  
Madison, WI 53707  
(608) 267-7348

Our Own Home Center  
535 East John Street  
Markesan, WI 53946

Dear Sirs:

This letter is to inform your company that the Wisconsin Department of Transportation is actively undertaking a formalized property management role on railroad property acquired and controlled pursuant to Sec. 85.09(2), Wisconsin Statutes.

In February/March 1980, the Wisconsin Department of Transportation acquired through condemnation, 378 miles of abandoned railroad property from the bankrupt Chicago, Milwaukee, St. Paul and Pacific Railroad Company. These properties totalled approximately 4400 acres of land in 60 communities throughout 20 counties of the state.

Legal questions ensued whether WisDOT had extinguished all the rights and interests of the Milwaukee Road on numerous parcels within this property. These questions were resolved by WisDOT refiling amended awards of damages in February/March 1984 on all the property.

From the records and data furnished to WisDOT by the Milwaukee Road, it appears that your company previously occupied a portion of this property in Markesan, Wisconsin under a Milwaukee Road lease agreement number 82383, dated December 27, 1977.

If your company still occupies the area identified in that agreement, and desires to continue in that occupancy, then your company will be required to immediately execute the enclosed use agreement and tender the required payment set forth in that document to this department. If your company wishes to either, reduce the area of use and occupancy, or terminate your use and occupancy of all the property identified in the use agreement, notify our department at once, and appropriate actions will be taken by the department to reflect those changes.

If the executed agreements with appropriate payments, or requests for changes in reduced occupancy areas, are not returned to the Transportation District Real Estate office at 141 Northwest Barstow Street, Post Office Box 649, Waukesha, Wisconsin 53187 by November 1, 1985, then this department will assume that your company has either terminated the occupancy, or wish to do so. In that event, this letter will serve as written notification accepting

such termination, termination to be effective January 1, 1986, pursuant to the terms and conditions set forth in the previous occupancy agreement.

All use agreements are being considered at this time on a short term basis only. The eventual objective of the department is to make an individual, in-depth, on-site inspection of each occupied use area, to determine whether or not the particular area is absolutely essential for safe and efficient transportation purposes, or if a part or all of the occupied area could be sold without negatively impacting on the remaining department property.

If a determination is made that the property can be sold, the department is obligated by statutory requirements to offer the property for sale to other state and local units of government before offering it for sale to your company. While it is possible that your community might have an interest in buying the property if it becomes available for sale at some later time, experience has shown us that many communities have no interest in the majority of user occupied sites and subsequently waive any purchase rights to this type of property.

Should you have any further questions or concerns about this matter, John Radke of the department's district real estate staff is available to help you. He ~~can~~ can be reached at (414) 548-5941 or by writing to the above listed office.

Sincerely,



Richard E. Black, Chief  
Rail Property Program Section

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