

Town Road Right-of-Way Tree Ownership

The ownership of trees in the Right-of-Ways depends on the specific road type:

1. If the road is platted or the town has ownership by deed, the Town has ownership of the trees in the right-of-way and can dispose of them as it deems proper.
2. If the road is of the type "Presumed" or by "Highway Road Order," the adjacent property owner owns the trees under Wisconsin Statute 86.10. If the Town removes the trees, the Town may contact the adjacent property owner for instructions on how to dispose of the trees. If the Town has not received instructions from that property owner in a reasonable period of time, or has not been able to contact that landowner, the Town may place the trees off the right-of-way, on that adjacent owner's property.

Depending on considerations such as safety, water flow, and other, the Town may find acceptable sites, as close as possible to the place of tree removal, for disposal. If the owner of that site is not willing to accept all the materials, another site will be located following the above procedures, in order to dispose of the remaining wood.

Each year, the Town determines which roads, if any, may need trees removed from right-of-ways for safety reasons. At that time the Town may send notification to landowners along those roads that tree removal may take place. Such notification is not required by law.

The notification will be in the form of a general letter pertaining to the entire season. Specific times cannot usually be determined ahead of time, since the Town often depends on the availability of labor provided by prison inmates.