

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Supervisor Wesley Davis
INITIATED BY



Supervisor Wesley Davis
DRAFTED BY

Public Works Committee &
County Board Staff Committee
SUBMITTED BY

October 26, 2017
DATE DRAFTED

In Support of Reforming Wisconsin's Eminent Domain Laws

1 **WHEREAS**, many private property owners in Rock County feel that their private property, under
2 Wisconsin law, is not adequately protected from encroachment by outside entities, be they local, out of
3 state, or international; and
4

5 **WHEREAS**, eminent domain has historically been used sparingly for ensuring the public good with
6 provable need and just compensation; and
7

8 **WHEREAS**, public good cannot be construed to mean promotion of projects for private gain by
9 outside corporate entities; and
10

11 **WHEREAS**, a clearly defined and demonstrated "public good" has historically included things
12 demonstrating a true community need like roadways, schools, public parks, public housing, and
13 community centers; and
14

15 **WHEREAS**, any other claimed cause for the taking of private property shall be proven to be for a public
16 good in a court of law; and
17

18 **WHEREAS**, eminent domain shall not be used for any taking which is not for a "public use"; and
19

20 **WHEREAS**, a moratorium on the use of eminent domain power for private gain would be advisable to
21 allow the public and local communities to voice their concerns over its use for private gain and for the
22 State Legislature to explore revisions and amendments to the current eminent domain requirements in
23 Chapter 32 of the Wisconsin Statutes; and
24

25 **WHEREAS**, during such moratorium, it may be necessary for units of local government to exercise their
26 power of eminent domain for purposes of completing transportation projects, and that nothing in this
27 resolution should be construed to limit such a use.
28

29 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly
30 assembled this 22nd day of February, 2018, does hereby request that the State of
31 Wisconsin impose a three year moratorium on the use of eminent domain for private gain in order to
32 allow the State Legislature to pursue a change of law for the protection of its citizens' property rights.
33

34 **BE IT FURTHER RESOLVED** that copies of this request be sent to Governor Scott Walker,
35 Wisconsin State Senators and Assembly Representatives, the Public Service Commissioners, County
36 Board Chairs and to the Wisconsin Counties Association.

Respectfully submitted:

PUBLIC WORKS COMMITTEE

Betty Jo Bussie
Betty Jo Bussie, Chair

Brent Fox
Brent Fox, Vice Chair

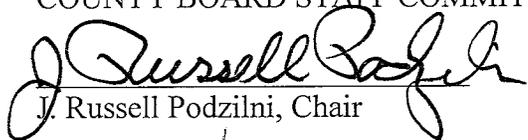
Eva Arnold
~~Eva Arnold~~

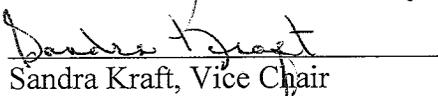
Brenton Driscoll
Brenton Driscoll

Rick Richard
Rick Richard

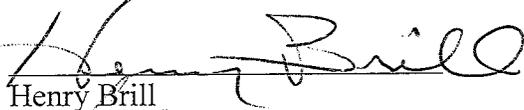
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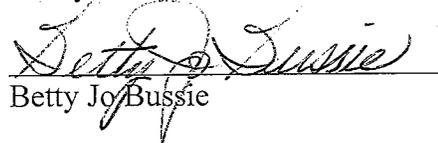
COUNTY BOARD STAFF COMMITTEE

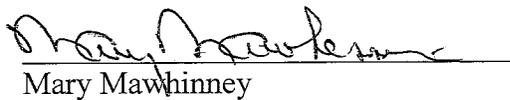

J. Russell Podzilni, Chair

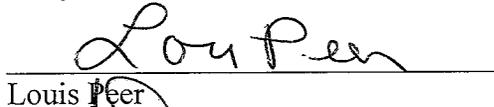

Sandra Kraft, Vice Chair

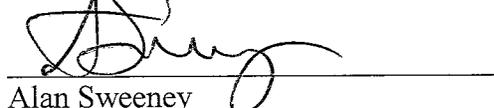
Absent
Eva Arnold

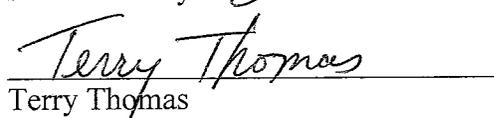

Henry Brill


Betty Jo Bussie


Mary Mawhinney


Louis Peer


Alan Sweeney


Terry Thomas

FISCAL NOTE:

This resolution is advisory only and has no direct fiscal impact on Rock County operations in and by itself.


Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Matter of Policy.


Josh Smith
County Administrator

LEGAL NOTE:

Advisory only.


Richard Greenlee
Corporation Counsel

Executive Summary

In Support of Reforming Wisconsin's Eminent Domain Laws

This resolution addresses concerns of the citizens of Rock County who are worried that their personal property rights are not clearly protected under current eminent domain law. They worry that private entities seeking private gain could use the law to deprive them of property while serving no real public good or benefit. There is concern that "acquiring authorities", be they local, state, national or international, could take their land through various means such as the misuse of condemnation commissions appointed by circuit courts. The make-up of those commissions is worrisome. There is also a real need to review and revise a law which took effect 47 years ago. Subsequent laws have had an effect on eminent domain law which necessitates a need for review by legislative bodies to ensure that the original intent and protections of private property are upheld.