RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS

Supervisor Wesley Davis
INITIATED BY
Public Works Committee &
County Board Staff Committee
SUBMITTED BY

Supervisor Wesley Davis
DRAFTED BY
October 26, 2017
DATE DRAFTED

In Support of Reforming Wisconsin’s Eminent Domain Laws

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

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

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

WHEREAS, a clearly defined and demonstrated “public good” has historically included things demonstrating a true community need like roadways, schools, public parks, public housing, and community centers; and

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

WHEREAS, eminent domain shall not be used for any taking which is not for a “public use”; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this 23rd day of February, 2018, does hereby request that the State of Wisconsin impose a three year moratorium on the use of eminent domain for private gain in order to allow the State Legislature to pursue a change of law for the protection of its citizens’ property rights.

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

Respectfully submitted:

PUBLIC WORKS COMMITTEE

Betty Jo Bussie, Chair
Brent Fox, Vice Chair

Brent Driscoll
Rick Richard

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COUNTY BOARD STAFF COMMITTEE

Russell Podzilni, Chair
Sandra Kraft, Vice Chair

Absent

Eva Arnold
Henry Brill
Betty Jo Blin

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.