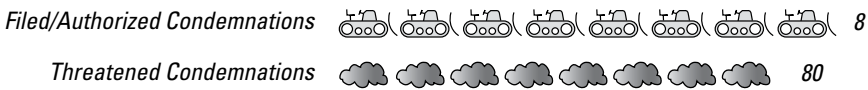




Wisconsin

Known Condemnations Benefiting Private Parties⁴³⁷



Legend  = 1  = 10

Beloit

Beloit City Council members approved a deal to buy land occupied by Ace Hardware in order to extend a park. As part of the deal, however, they offered to relocate Ace to a central downtown location on Broad Street—upon which multiple businesses already operate. The City Council then gave the Community Development Authority (“CDA”) permission to take the land via eminent domain, and the CDA found the Broad Street properties to be “blighted” and voted in September 2005 to take the properties via eminent domain proceedings. The eight commercial properties house mostly small businesses like La Belle Boutique and Bumper to Bumper, an auto parts store. The property owners are less than pleased that they will be forced to abandon their own business plans in favor of a much larger business.⁴³⁸ Although Wisconsin has passed improved eminent domain legislation, the new law mostly protects residences and might not prevent takings to transfer property from one business to another.⁴³⁹

Menomonee Falls

Residents packed a July 2005 public hearing about the Main Street redevelopment proposal, which affects 80 properties, after receiving a letter from

⁴³⁷ These numbers were compiled from news sources. Many cases go unreported, and news reports often do not specify the number of properties against which condemnations were filed or threatened.

⁴³⁸ Rebekah Danaher, “Eminent domain to secure land for Ace,” *Beloit Daily News*, September 30, 2005, at <http://www.beloitdailynews.com/articles/2005/09/30/news/093005news04.txt> (retrieved May 31, 2006).

⁴³⁹ 2005 Wisc. AB 657 (signed into law March 30, 2006).

the Village threatening the use of eminent domain. “Implementing the proposed Redevelopment Plan may involve the condemnation of private property within the Redevelopment Area for urban renewal purposes,” the letter said. “Accordingly, you are hereby notified that your property might be taken for urban renewal.” Village officials assured everyone that the letter was just a little bit of required legalese—nothing to worry about, although they would not rule out the possibility of eminent domain in the future.⁴⁴⁰

In fact, Village officials had commissioned a 320-page “study” of the area—at a cost of \$208,000 to taxpayers—from the urban planning firm RTKL, which recommended adding commercial and residential development to the Main Street corridor.⁴⁴¹ The Village approved the plan in October 2005 and is considering setting up a tax increment financing district to pay for it.⁴⁴² Officials refuse to give any details as to which and how many of the 80 properties in the redevelopment area may be seized. “There aren’t any particular parcels targeted and there aren’t any parcels that are excluded,” said Village planner John Fellows.⁴⁴³

In March 2006, Bill Friesleben, the Village’s community development director, said that though there is no proposal to condemn any property, eminent domain could be used as “a last resort.”⁴⁴⁴

440 Reid J. Epstein, “Confusion reigns at land-use meeting; Falls residents skeptical of Main St. development plan,” *Milwaukee Journal-Sentinel*, July 27, 2005, at B3; Reid J. Epstein, “Main development; Plan for corridor offers hope to some in Falls, worries others,” *Milwaukee Journal Sentinel*, August 7, 2005, at 1.

441 Reid J. Epstein, “Main development; Plan for corridor offers hope to some in Falls, worries others,” *Milwaukee Journal Sentinel*, August 7, 2005, at 1; Dave Sheeley, “Falls looks at funding options for Main St. plan; Village officials like the idea of TIF district,” *Milwaukee Journal Sentinel*, October 13, 2005, at B4.

442 Dave Sheeley, “Falls looks at funding options for Main St. plan; Village officials like the idea of TIF district,” *Milwaukee Journal Sentinel*, October 13, 2005, at B4.

443 Reid J. Epstein, “Eminent domain ruling fuels imminent concern; Falls redevelopment brings worries to Main St.,” *Milwaukee Journal Sentinel*, July 15, 2005, at B1.

444 Dave Sheeley, “Falls Main St. development plan goes to Village Board,” *Milwaukee Journal Sentinel*, March 29, 2006, at B5.