

# Better Pleasant: Village improperly wielded eminent domain power

Posted on Wednesday, Nov 28, 2018

**>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

*“Village officials admit they had no jurisdiction over controlled access roads – took eminent domain actions against property owners for Foxconn development.”*

MOUNT PLEASANT, WI NOVEMBER 28, 2018 – On Monday, November 26, 2018, Mount Pleasant Special Counsel Alan Marcuvitz admitted to the Village Board of Trustees he had “recently learned” the Village had no authority to restrict access for properties along roadways designated as “Controlled Access Highways” by the DOT in the Foxconn development area.

Marcuvitz presented the Village Board with an amended Relocation Order for Hwy 11 which removed certain access restrictions the Village Plan Commission and Village Trustees approved in January 2018.

Marcuvitz also stated the Village had removed a Temporary Limited Easement (TLE) on Parcel 307 and was no longer seeking to demolish the Creuziger Farms house and barn.

Parcel 307 is one of several parcels of land comprised of nearly 400 acres owned by the Creuziger family – a century old pumpkin farm business known locally as “The Land of Giants.” Situated in “Area 2” of the Foxconn development project, the Village originally sought to deny all road access from the property to the improved roadway and demolish the Creuziger home and barn located hundreds of feet away from planned road projects.

After declining to sell their property to the Village of Mount Pleasant for the Foxconn development, the Creuzigers were served with jurisdictional offer under eminent domain in August and ordered to vacate the premises in October. The Creuzigers

filed a lawsuit against the Village challenging their authority to deny them road access and the egregious taking of the home and barn which were not needed to complete the Hwy 11 road project. When the Creuzigers sought a restraining order against the Village of Mount Pleasant, the Village backed away from the order to vacate two days before the scheduled court hearing.

“Alan Marcuvitz is a leading authority on eminent domain law in Wisconsin,” said Kelly Gallaher, spokesperson for the grassroots community group A Better Mt. Pleasant. “The idea he did not know that only the DOT has jurisdiction over Controlled Access Highways is absurd. Resident’s have been questioning Village officials about this specific authority for months.”

Multiple properties in the Foxconn area have been served with eminent domain actions by the Village of Mount Pleasant. All actions were initiated citing “highway and transportation” projects as the condemning purpose.

“At least two other parcels on Hwy 11 were taken through eminent domain by the Village,” Gallaher continued. “Those property owners were told they would have no access to the road and, as a result, were left with no choice but to give up their property or go to court.”

Since April 24, 2018, the Village of Mount Pleasant has filed eighteen eminent domain actions against property owners in the Foxconn development area. None of the the eminent domain actions commenced against those residents were approved by the Village Board of Trustees – the legal condemning authority. Instead, they were filed with the County Clerk by the Village Administrator with no prior knowledge or input by Mount Pleasant Trustees.

“With this stunning admission of impropriety by Alan Marcuvitz, it is clear the people of Mount Pleasant have been misled for months,” Gallaher concluded. “Had Village Trustees not been kept in the dark by staff and contractors, it is likely that constructive conversations could have occurred and the appropriate questions asked which may have benefited these property owners. The people of Mount Pleasant didn’t elect Foxconn contractors to represent and make decisions for them.”