

STATE OF WISCONSIN    CIRCUIT COURT    RACINE COUNTY

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TODD and TRACEY BLODGETT  
13320 County Line Road,  
Sturtevant, Wisconsin, 53177,

Plaintiffs,

vs.

VILLAGE OF MOUNT PLEASANT  
a Wisconsin municipal corporation,  
8811 Campus Drive,  
Mount Pleasant, WI 53406,

and,

VILLAGE OF MOUNT PLEASANT COMMUNITY  
DEVELOPMENT AUTHORITY,  
8811 Campus Drive,  
Mount Pleasant, WI 53406,

Defendants.

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SUMMONS

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THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Racine County Courthouse, 730 Wisconsin Avenue, Racine, WI, 53403, and to Eminent Domain Services, LLC - 131 W. Wilson Street, Suite 304 Madison, Wisconsin 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 27th day of July 2018.

Eminent Domain Services, LLC

Electronically Signed by Erik S. Olsen

Erik S. Olsen

State Bar No.: 1056276

Andrew D. Weininger

State Bar No.: 1084096

131 W. Wilson St., Ste. 304  
Madison, WI 53703-3270  
Telephone: (608) 661-8509  
Facsimile: (608) 338-0889

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COMPLAINT - RIGHT TO TAKE

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Now come TODD and TRACY BLODGETT by their attorney Eminent Domain Services, LLC, by Erik Olsen, attorney for the plaintiffs, and allege and plead as follows:

- 1) This is a right-to-take action brought under Wis. Stat. § 32.05(5), the 5th and 14th

Amendments to the United States Constitution, 42 U.S.C. § 1983, Wis. Const. art. I, § 13, 42 U.S.C. §§ 4601–55, 6102, 49 C.F.R. § 24.8 and Wis. Stat. § 840.03(1).

- 2) Plaintiff(s) own certain real estate ("the Property") in Racine County, where their home is located, and where they live. The Property is more particularly described in the redacted Jurisdictional Offer which is attached hereto as Exhibit A and incorporated herein by reference.
- 3) The Property is not blighted by any definition.
- 4) Defendants are the entities above-captioned, located at the address above-captioned.
- 5) Defendants are facilitating the construction of an electronics and information technology manufacturing zone ("EITM zone") where a large LCD and Television manufacturing company known as Foxconn will be located. In conjunction with the EITM zone, the Defendants are undertaking a road reconstruction and land acquisition project (the "Project").
- 6) Defendants seek to acquire the Property for the Project, and for the direct benefit of Foxconn.
- 7) The Project is regulated by Wis. Stat. ch. 32.
- 8) The Project is regulated by Federal Law including 42 U.S.C. 61 and 49 C.F.R. 24.
- 9) As part of the Project, the Defendants are attempting to acquire land from the Plaintiffs as further outlined in the Jurisdictional Offer which is attached hereto and incorporated herein by reference (the "Taking").
- 10) The Taking implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by the Defendants' officers, and the

Defendants acted under the color of state law when they deprived the Plaintiffs of right(s) under federal law and the federal constitution.

11) The Defendants' attempted taking of Plaintiffs' property is defective for the following reasons:

- a. The Defendant failed to negotiate in good faith prior to making the jurisdictional offer, and failed to afford the Plaintiffs equal protection when the Plaintiffs' similarly situated neighbors were paid as much as ten times the value of their property while Plaintiffs were offered only 1.4 times the value of their property, and when the Defendants attempted to declare the Plaintiffs' property as blighted property when it obviously was not blighted;
- b. The taking violates s. 32.03 of the Wisconsin Statutes by taking property for, or for the direct benefit of, a private corporation when none of the exceptions listed in the statute are present;
- c. The Taking exceeds the scope of the relocation order;
- d. The relocation order is void and unlawful;
- e. The Taking exceeds the scope of what is reasonably necessary for the stated purpose of the Taking;
- f. The condemning authority has failed to adequately relocate the Plaintiffs;
- g. The condemning authority failed to properly serve the Jurisdictional Offer on the Plaintiffs;

12) Wherefore, the Jurisdictional Offer is void and the Taking is void.

**RELIEF SOUGHT**

WHEREFORE, the Plaintiffs demand Judgment from the Court against Defendant as follows:

A. For an order declaring the Jurisdictional Offer, and all actions undertaken thereafter by Defendant, null and void;

B. For an order prohibiting the recordation of an Award of Damages or voiding it if it has been recorded and a preliminary injunction and injunction against the Defendant;

C. For judgment determining that the Defendant does not have the right to condemn part or all of the property described in the Jurisdictional Offer;

D. For an order requiring Defendant to pay Plaintiffs' litigation expenses in accordance with applicable statutes; and

E. For such other relief as this Court deems just and equitable.

Dated this July 27th, 2018.

EMINENT DOMAIN SERVICES, LLC

/s/ Erik S. Olsen

Erik S. Olsen

State Bar No.: 1056276

Andrew D. Weininger

State Bar No.: 1084096

131 W. Wilson St., Ste. 304  
Madison, WI 53703-3270  
Telephone: (608) 661-8509  
Facsimile: (608) 338-0889



July 26, 2018

**CERTIFIED MAIL**

Todd M. Blodgett  
13320 County Line Road  
Sturtevant, WI 53177

Re: Project ID RC112117, CTH KR  
Village of Mount Pleasant  
Racine County  
Parcel 515

Dear Mr. Blodgett:

On April 13, 2018, you were issued the Village of Mount Pleasant's initial offer to purchase new right of way required for the reconstruction of CTH KR. The initial offer was based upon an appraisal prepared by Single Source, Inc. On June 26, 2018 and again on July 20, 2018, you were issued revised offers from the Village in an attempt to negotiate for the purchase of the property.

Because the negotiations for this transaction have failed to reach a satisfactory conclusion, it is now necessary for the Village of Mount Pleasant to provide you with the enclosed Jurisdictional Offer.

Providing this Jurisdictional Offer is one of the required actions set forth in Chapter 32 of the Wisconsin Statutes in order to acquire lands and interests through the eminent domain process. This process is more fully explained in the information sheet entitled, "The Rights of Landowners under Wisconsin Eminent Domain Law," that was previously given to you.

**You now have twenty (20) days from the postmark date of this mailing to either accept or reject the Jurisdictional Offer.**

It remains the Village of Mount Pleasant's desire to reach a negotiated settlement. Please carefully consider this Jurisdictional Offer, and should you wish to accept the terms, please sign it as accepted on the second page and mail it to me.



**G.J. Miesbauer & Associates, Inc.**  
RIGHT OF WAY ACQUISITION SPECIALISTS

If there is no response from you by August 15, 2018, the Village will presume that this offer is rejected, and will then proceed to acquire this parcel through the eminent domain process by issuing an Award of Damages pursuant to section 32.05(7) of the Wisconsin Statutes.

G.J. Miesbauer and Associates, Inc. is acting as an agent for Village of Mount Pleasant. Please call me at (608) 424-3330 if you have any questions regarding the terms of this Jurisdictional Offer.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Miesbauer", is written over a light blue rectangular background.

Peter Miesbauer  
GJ Miesbauer & Associates, Inc.  
Agent for the Village of Mount Pleasant

Enclosures

cc: Educators Credit Union (via certified mail enclosure)  
Erik Olsen, Attorney (via email with enclosure)







## LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 31, Town 3 North, Range 22 East of the fourth principal meridian, lying and being in the Village of Mt. Pleasant, Racine County, State of Wisconsin, and being more particularly described as follows: Beginning on the South line of said  $\frac{1}{4}$  Section at a point 1088.4 feet West from the Southeast corner of said  $\frac{1}{4}$  Section; thence West and along the South line of said  $\frac{1}{4}$  section 180 feet to a point that is 1268.4 feet from the Southwest corner of said  $\frac{1}{4}$  Section; thence North and along upon a line that is equidistant from the East and West lines of said  $\frac{1}{4}$  Section, and being the same line as originally defined by warranty deed recorded in Volume "B" of deeds, Page 283, on July 13, 1839, 400 feet; thence East and parallel to the South line of said  $\frac{1}{4}$  Section 180 feet; thence South parallel to the line equidistant between the East and West lines of said  $\frac{1}{4}$  Section 400 feet to the place of beginning. EXCEPTING THEREFROM land conveyed for highway purposes by Document No. 2203951.