



## June Case Law Update June 30, 2014

### A summary of Wisconsin court opinions decided during the month of June related to planning

For previous Case Law Updates, please go to: <http://www.wisconsinplanners.org/lawandlegislation.html>

### ***Wisconsin Supreme Court Opinions***

#### **Court Denies Review of Two Important Court of Appeals Decisions**

The Wisconsin Supreme Court denied review of two significant Wisconsin Court of Appeals published decisions. This means the Court of Appeals decisions remain the law of the land. The first case is [Hegwood v. Town of Eagle Zoning Board of Appeals](#), reported in the September 2013 APA-WI case law update. As a result of that case, towns no longer have any authority to zone land within the area covered by the county's state-mandated shoreland zoning ordinance. If the county had relied on town zoning to establish the use of land and other requirements in addition to the minimum standards contained in the county shoreland zoning ordinance, the county will need to work with the affected towns to try to incorporate those provisions in the county shoreland zoning ordinance to the extent they are permitted under state law.

The second case is [Lake Delavan Property Co., LLC v. City of Delavan](#), reported in the February 2014 APA-WI case law update. As a result of that case, cities and villages cannot use a density standard to deny a plat in the extraterritorial plat review jurisdiction of the city or village.

### ***Wisconsin Court of Appeals Opinions***

#### **Jury Award That Exceeded Values Offered By Experts Was Reasonable in Condemnation Case**

[Geise v. American Transmission Co. LLC](#), involved the appeal of a jury award based on before- and after-taking values that exceeded those presented by both the expert for the property owner and the experts for American Transmission Co. (ATC). The award was for the taking of two easements totaling 2.89 acres for an electric transmission line. ATC argued the jury verdict was not supported by credible evidence since the jury's values exceeded the range of values offered by the experts. The Wisconsin Court of Appeals disagreed. The Court found that there is no rule that limits the jury to the range of values supplied by appraisal experts. The jury is free to weigh all of the evidence offered at trial and make adjustments to the figures offered by the experts.

The case is recommended for publication in the official reports.