

# **Bond Case Briefs**

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## **ZONING & PLANNING - WISCONSIN**

### **Greenwald Family Limited Partnership v. Mukwonago**

**United States Court of Appeals, Seventh Circuit - April 29, 2024 - F.4th - 2024 WL 1854665**

Developer brought action against village which challenged the use of eminent domain to take land for road from developer's five-acre parcel. After the village returned that strip of land, developer filed an amended complaint adding a class of one equal protection claim under the Fourteenth Amendment and several new claims under state law regarding previous unfavorable land use decisions.

Following removal to federal court, the village filed a motion for summary judgment on the equal protection claim. United States District Court for the Eastern District of Wisconsin granted the motion, entered summary judgment for the village, and relinquished jurisdiction over the state-law claims. Developer appealed.

The Court of Appeals held that:

- Village's requirements for final approval of developer's certified survey map before approving developer's proposed division of four-acre parcel from vendor's larger property were clearly rational;
- Village had a rational reason for refusing to construct developer's preferred north-south road connection;
- Villages' refusal to take over the maintenance of a private, unimproved roadway on developer's property without a developer's agreement in place was not a violation of developer's equal protection rights;
- Village's refusal to remove trees from one of developer's properties was reasonable;
- Village's denial of developer's request for tax-incremental financing (TIF) was rational; and
- Imposition of a special assessment on all properties, including developer's property, that benefited from the municipal improvements in development area was rational.