

SENATOR FOR A DAY MOCK LEGISLATION

Senate Bill 2 – Protecting Pennsylvania Farmland from Eminent Domain

[Eminent domain and farmland: 'We need to protect agriculture' - Michigan Farm News](#)

By: Mitch Galloway January 23, 2024

If given the chance to do it all over, Sandusky farmer Clint Stoutenburg would pay the utility company 20 times the money he received in 2012 to “get them off his property.”

But eminent domain is eminent domain, and the government can take your private property and convert it to public use.

More than a decade ago, ITC Michigan approached Stoutenburg about his farmland for the Thumb Loop Transmission Project, a \$510 million project completed in 2015 that constructed 140 miles of double-circuit 345,000-volt lines to “meet the identified maximum wind energy potential of Michigan’s Thumb region,” the transmission company [wrote](#) on its website.

“However, on our farm, it's all about efficiency,” said Stoutenburg, a Sanilac County Farm Bureau member who grows dry beans, sugarbeets, and corn. He also serves on the Michigan Sugar Board of Directors and as president of the United States Dry Bean Council.

“Now I worry about planting around a bunch of damn poles in the middle of my fields.”

Pending regulatory approval, ITC will once again build new lines across Michigan and Indiana, with many of the lines constructed on farmland. The \$850 million investment is part of the Midcontinent Independent System Operator’s [Long-Range Transmission Plan](#), which includes more than \$10 billion in investments and 18 transmission projects. Projects on land in Calhoun, Branch, Eaton, Clinton, Gratiot, and Ionia counties.

While ITC touts improved grid reliability and resiliency through the projects, farmers worry about their land, attorney fees, and options when ITC Holdings Corp. and other utility companies approach them for easement approval.

“We need to protect agriculture,” Stoutenburg told *Michigan Farm News*.

“Unfortunately, Saginaw Valley has some of the best farmland not only in Michigan but in all parts of the world, and there’s this political agenda right now. There are so many governmental energy pushes right now, and we don’t know what's going to happen.”

Stoutenburg refers to a series of [clean energy bills](#) signed by Gov. Gretchen Whitmer in November. The future projects, according to Whitmer, will transition Michigan from a fossil-fuel-powered state to one “power(ing) state government with 100% clean energy by 2025, building solar on our properties, and lowering our costs with energy efficiency.”

The legislation also removes local siting authority for green-energy projects. (Read more [here](#).)

“They don't care about the land, nor do they care about the landowner or the people; all they care about is doing the job and more power,” Stoutenburg said.

What are your options?

There are laws in place to protect your rights and make sure you're compensated.

Farmers should understand that when utility companies approach them for easement approval, said Matthew Ackerman, a partner at [Ackerman & Ackerman](#), a law firm specializing in eminent domain and condemnation proceedings.

According to Ackerman, once a utility company selects a route, it sends representatives to negotiate easements, or legal agreements, for the land where transmission lines are constructed. If the farmer/landowner and the utility company can't agree on a contract, then a lawsuit may come from the agency.

“You must pay attention to what the easement language says, not what the utility companies promise,” said Ackerman, whose Ackerman & Ackerman has been contacted by at least half a dozen property owners who anticipate being affected by the lines.

“If the utility company acquires an unnecessarily broad easement, the owner will have no recourse when the utility company later expands its use under that easement. Property owners need to fight for compensation based on the utility company's maximum possible use of the easement.”

Ackerman said negotiations are in the early stages: He expects ITC to give affected property owners a notice of a Michigan Public Service Commission hearing sometime this year.

When approached, farmers and landowners should know they'll be reimbursed for reasonable attorney fees from the agency trying to acquire the land, per [Section 213.66 of the Uniform Condemnation Procedures Act](#), he said.

“You should really consult an attorney before giving up any property rights,” Ackerman told *Michigan Farm News*. “You don't have anything to lose. This protection is unique to Michigan, and (landowners) have the right to representation when their property rights are being taken.”

However, energy leaders say Michigan has a right and responsibility to adapt to changing energy and infrastructure needs.

“Our energy future depends on a complete and up-to-date system, and transmission lines are essential to our country's economy, security and way of life,” wrote Simon Whitelocke, vice president of ITC Holdings Corp. and president of ITC Michigan, in a 2023 guest column for *Michigan Farm News*.

ITC hosted a series of open house meetings about the planned projects — Helix to Hiple and Nelson Road to Oneida — last October.

“Just as we make upgrades in our personal lives,” Whitelocke said, “we must support new and improved electric infrastructure to meet our energy goals and keep the lights on for future generations.”

That said, “consult your resources and reach out to a specialist before signing any document,” Ackerman added.

“They're doing what they have to do to put transmission lines in place,” he said. “But there are laws in place to protect your rights and make sure that you're compensated and left in an equal economic position following the taking.”

Stoutenburg’s position is one where he’ll not budge for converting farmland for certain energy uses — no matter the money offered. A company approached him in 2023 about large-scale solar panel installments on his property, which he turned away due to its effect on agriculture.

“Sometimes it’s not about the money,” he said.

“When we all signed up for [PA116](#), it was to protect farmland from being developed. Unfortunately, the administration is allowing for contracts to be put on pause rather than paying the money back that you have saved. That by no means was the original intent of the program.”

[Fayette Co. Board of Education moves to acquire land through eminent domain](#)

By: Maggie Rickerby August 5, 2025

LEXINGTON, Ky. (WKYT) - The Fayette County Board of Education is moving forward with acquiring more land for Rise STEM Academy for Girls.

The board will acquire the land through eminent domain.

District leaders say homes will not be affected, but portions of backyards will be acquired.

In a statement, the district says it has engaged in good-faith negotiations with the property owners, saying, “While eminent domain is a measure of last resort, it is sometimes necessary to meet the long-term needs of our students and community.”

The STEM Academy construction has raised concerns for neighbors.

The sound of construction has become the new normal for folks living on Port Royal Drive.

“There’s constant noise from sunup to sundown. It never stops, except on Sunday,” resident Rebecca White says.

Rebecca and her sister, Mary, have lived in their home for close to 50 years.

After the property behind their home was sold to Fayette County Public Schools, construction began, they say, unannounced.

“I mean, they could’ve at least had the courtesy of telling people this is what we’re gonna be doing,” Mary says.

“They never came to us. They talked to the people on The Lane, so I hear, they’ve talked to the people over in the court. They never came to one single person [who] actually lives on this street whose house butts this property,” Rebecca says.

Rebecca claims the project has caused flooding, increased noise and now, the loss of some folks' backyards.

"We don't understand any of this, and no one has bothered to, attempted to, explain it to us," Rebecca says.

The Fayette County Board of Education says they've taken steps to gain less than a fourth of an acre through a process called eminent domain.

That's a legal process allowing public entities to gain private property for public use, with compensation to the owner.

A district spokesperson says they've negotiated with property owners and want to make sure they're treated fairly.

Rebecca and Mary say they worry for their land and their neighbors' property.

"We can't go anywhere. Our property is all we have... we're not rich, we don't have any family, there's no children, there's no husbands. Everybody's gone but the two of us, and we feel like they're coming for us where we live," Rebecca said