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September 16, 2009

Alderman Joe Davis, Sr., Chair
Community & Economic Development Committee
City Hall, Room 205

Alderman T. Anthony Zielenski, Vice Chair
Community & Economic Development Committee
City Hall, Room 205

Alderman James Witkowiak
Community & Economic Development Committee
City Hall, Room 205

Alderman Willie Wade
Community & Economic Development Committee
City Hall, Room 205

Alderman Terry L. Witkowski
Community & Economic Development Committee
City Hall, Room 205

Re: Common Council File No. 090534
Resolution relating to the intent to issue Industrial Development Revenue Bonds
for the DJS, LLC Project.

Dear Alderman Davis & Committee Members:

We have been asked to provide a brief legal opinion addressing the potential impact of Common Council Resolution File No. 090534, which approves the issuance of Industrial Development Revenue Bonds for the DJS, LLC Project by the Town of Fond du Lac, Wisconsin and includes the financing of a facility located in the City of Milwaukee at 8929 North 107th Street.

OFFICE OF THE CITY ATTORNEY

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Alderman Joe Davis, Sr., Chair
and Committee Members
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The adoption of this Resolution will authorize the Town of Fond du Lac to issue bonds and alleviate the need for either the City of Milwaukee or the Redevelopment Authority of the City of Milwaukee to separately issue Industrial Development Revenue Bonds to finance those facilities located within the City.

Wis. Stat. § 66.1103 (3)(f) specifically authorizes the City of Milwaukee to approve this type of multi-jurisdictional bond issuance. The City's consent to the issuance will be evidenced by the adoption of Common Council File No. 090534 and no further action beyond the conduct of the public hearing and the execution of an approval by the Mayor will be required. This office will review the Mayor's approval as to form, substance and content prior to execution.

As noted in the text of the Resolution, the issuance of bonds to finance the DJS, LLC Project will not give rise to any debt or financial obligation whatsoever on the part of the City of Milwaukee.

Please contact Mr. Thomas O. Gartner of this office at your convenience in the event that there are any additional questions or comments concerning this Resolution or the proposed issuance of Industrial Revenue Bonds to finance the DJS, LLC Project.

Very truly yours,



for GRANT F. LANGLEY
City Attorney



THOMAS O. GARTNER
Assistant City Attorney

TOG/ml:149955

c: Ronald D. Leonhardt
Tobie Black
Rocky Marcoux
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