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February 11, 2008

To the Honorable Committee  
on Judiciary and Legislation  
of the Common Council  
Room 205 – City Hall

Re: Resolution Authorizing Settlement of Section 74.37 Lawsuit  
by Frontage LLC Against the City for Allegedly Excessive  
Assessment in the Amount of \$17,178.04 Plus Interest at  
0.8% Per Month Since May 9, 2007

Dear Committee Members:

In conjunction with the Assessor's Office, we are recommending settlement of this case, *Frontage LLC v. City*, Case No. 07CV12956. This case involved the assessment of several boat slips adjacent to condominiums along the Milwaukee River. Following the filing of this lawsuit, the plaintiff and the Assessor's Office exchanged relevant documents and reviewed the facts surrounding the present and future sale of these docks. It was discovered that the docks had not actually been constructed as of the date of assessment. Thus, it would be contrary to law to assess non-existent property. For that reason, we recommend settlement in the amount of \$17,178.04 plus simple interest at 0.8% per month since May 9, 2007. Please note that for subsequent assessment years, the slips were sold and constructed and, as a consequence, will be assessed for those years.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**VINCENT D. MOSCHELLA**  
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VDM:dms  
Enc.  
1056-2007-2774:128763

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