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March 31, 2017

Honorable Common Council
City Hall, Room 205

**Re: Resolution authorizing settlement of claims in the lawsuit
entitled *DJK 59 LLC et al. v. City of Milwaukee***

Dear Honorable Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation for the committee to take appropriate action, with the following recommendation.

The above-referenced lawsuit was commenced by the entities that own Juneau Village Tower apartments. The Plaintiffs claimed the City wrongfully assessed BID 21 assessments on their property for tax years 2005-2012. The circuit court entered judgment for the Plaintiffs. The City appealed. The court of appeals affirmed the circuit court, but limited the amount of the judgment pursuant to a statute of limitation. The court of appeals remanded the case to the circuit court to determine a revised judgment amount based on that limitation. Before the case was remanded, the City petitioned the Wisconsin supreme court to review the case, and the supreme court declined to accept the City's petition.

The case is now being remanded to the circuit court to calculate a revised judgment based on the application of the statute of limitation. The parties, however, are able to make that calculation without the court's involvement. Therefore, to prevent the accrual of additional interest against the City while the case is in the process of returning to the circuit court, the City Attorney now recommends settlement of this matter for the total sum of \$483,941.41, which is inclusive of interest and statutory costs. In exchange for this settlement and



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payment, the Plaintiffs will stipulate to dismiss the case and release all claims against the City arising out of this matter.

Very truly yours,



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Enclosure

1056-2014-387.002/237807