

CITY OF MILWAUKEE

Form CA-43

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October 2, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
200 East Wells Street
Milwaukee, WI 53202

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Assistant City Attorneys

Re: CCFN 030791 (Resolution authorizing settlement and release of the YMCA of Metropolitan Milwaukee, Inc. in connection with claims related to the property located at 2620-22 N.15th Street in the City of Milwaukee)

Dear Council Members:

The above-referenced resolution authorizes the exchange of mutual releases between the City of Milwaukee and the YMCA of Metropolitan Milwaukee, Inc. (the "YMCA") in connection with claims related to the property located at 2620-2622 N. 15th Street in the City of Milwaukee.

These claims arise out of Community Development Block Grant funds and HOME Investment Partnerships Act grant funds provided by the City to the YMCA for the purpose of the rehabilitation of the property. The contracts under which grant funds were provided contain a provision that the YMCA will indemnify the City for any liability incurred by the City in connection with the YMCA's performance of its contract obligations.

The owner of the property raised various complaints with the YMCA and the Community Block Grant Administration relating to the condition of the property and the rehabilitation work performed. The YMCA has recently entered into a negotiated settlement of these complaints with the owner of the property. As part of that negotiated settlement, which involved consultations with the local office of the U.S. Department of Housing and Urban Development, CBGA, and this office, the owner of the property delivered a release of claims against the City with respect to the property.

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The YMCA had now requested, in light of the release of the City received from the owner of the property, that the City and the YMCA execute and deliver mutual releases of claims relating to the YMCA's activities in connection with the rehabilitation of the property. We recommend adoption of the resolution.

Very truly yours,



GRANT E. LANGLEY
City Attorney



ELLEN H. TANGEN
Assistant City Attorney

Enclosure

c: Steven Mahan (w/encl)
Scott Fiducci, Esq. (w/encl)
Robert Berlan, HUD (w/encl)

EHT:eht

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