

..Number

230065

..Version

ORIGINAL

..Reference

..Sponsor

THE CHAIR

..Title

Resolution authorizing settlement of claims in the lawsuit entitled *Rhythm, LLC v. City of Milwaukee*

..Analysis

This resolution authorizes settlement of claims raised by Plaintiff, Rhythm, LLC, in the lawsuit entitled *Rhythm, LLC v. City of Milwaukee*, Milwaukee County Case No. 2022CV4108, for the total amount of \$32,077.26.

..Body

Whereas, Plaintiff filed a lawsuit against the City entitled *Rhythm, LLC v. City of Milwaukee*, Milwaukee County Case No. 2022CV4108, for the partial refund of property tax previously paid, on the basis that its 2021 property tax assessment was excessive and violated Article VIII, section I of the Wisconsin Constitution (“Uniformity Clause”); and

Whereas, Plaintiff has similar objections to its 2022 assessment and further litigation is imminent; and

Whereas, Plaintiff has agreed to settle the claims raised in the above-referenced lawsuit and pending objection for the total amount of \$32,077.26; and

Whereas, the City Attorney recommends that the City of Milwaukee settle this lawsuit and resolve these claims now; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee, the City Attorney is authorized to enter into a settlement agreement between the City of Milwaukee and the Plaintiff referred to herein and to execute and approve all documents and take all action necessary to carry out the terms and conditions of said agreement; and be it

Further Resolved, that in compliance with the City Attorney’s direction, the proper City officers be and hereby are authorized and directed to issue a City check, as soon as practicable in full and final settlement of the claims referenced above, to be charged to the 2023 Remission of Taxes Special Purpose Account No. 0001-9990-S163-006300, in the sum of \$32,077.26 and made payable to Von Briesen & Roper, S.C. Client Trust Account, which is located at 411 East Wisconsin Ave., Suite 1000, Milwaukee, WI 53202, in final settlement of these claims and lawsuits; and be it

Further Resolved, that for and in consideration of the above-referenced payment, the Plaintiff will provide to the City a release of claims relative to its assessments as well as a stipulation and proposed order to dismiss the claims raised in the pending court action.

..Requestor
City Attorney
..Drafter
Hannah R. Jahn
May 4, 2023