



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 3/28/2017      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 4/18/2017

**Effective date:**

**Title:** Substitute resolution authorizing settlement of claims in the lawsuit entitled DJK 59 LLC et al. v. City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** CLAIMS, SUITS SETTLEMENT

**Attachments:** 1. Letter.Common.Council.pdf, 2. Fiscal Impact.pdf

Date	Ver.	Action By	Action	Result	Tally
3/28/2017	0	COMMON COUNCIL	ASSIGNED TO		
3/31/2017	1	CITY CLERK	DRAFT SUBMITTED		
3/31/2017	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
4/10/2017	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
4/18/2017	1	COMMON COUNCIL	AMENDED	Pass	14:0
4/18/2017	2	COMMON COUNCIL	ADOPTED	Pass	14:0
4/27/2017	2	MAYOR	SIGNED		

161753  
SUBSTITUTE 2

ALD. JOHNSON

Substitute resolution authorizing settlement of claims in the lawsuit entitled *DJK 59 LLC et al. v. City of Milwaukee*.

This resolution authorizes settlement of claims raised by the Plaintiffs, DJK 59 LLC, JBC 59 LLC, Juneau Village II Limited Partnership, Juneau Village Shopping Center LLC and 829 Cass LLC, in the lawsuit entitled *DJK 59 LLC et al. v. City of Milwaukee*, Milwaukee County Case No. 2014CV955, Court of Appeals Case No. 2015AP2046, for the total amount of \$483,941.41.

Whereas, Plaintiffs filed a lawsuit against the City entitled *DJK 59 LLC et al. v. City of Milwaukee*, Milwaukee County Case No. 2014CV955, Court of Appeals Case No. 2015AP2046, for the refund of BID 21 assessments previously paid, and, having judgment awarded for the Plaintiffs in the Circuit Court, and, having the Court of Appeals affirming the Circuit Court’s decision, but limiting the amount of the judgment by a statute of limitation, and remanding to the Circuit Court for a calculation of damages, and, having the Supreme Court deny the City’s petition for review; and

Whereas, Plaintiffs have agreed to settle the claims raised in the above-referenced lawsuit for the total amount of \$483,941.41; and

Whereas, That for and in consideration of the above-referenced payment, the Plaintiffs will provide an order to the Court resolving all claims against the City raised in the pending court action; and

Whereas, The City Attorney recommends that the City of Milwaukee settle this lawsuit 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 Plaintiffs 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 are authorized and directed to issue a City check, as soon as practicable in full and final settlement of the claim as outlined in the above-referenced lawsuit, to be charged to the 2017 City Attorney's Damages and Claims Fund, Account No. 0001-1490-S118-006300; the sum of \$483,941.41 made payable to Michael Best & Friedrich LLP Client Trust Account in final settlement of this lawsuit.

City Attorney  
LRB168267-2  
Dana J. Zelazny  
April 18, 2017