



Legislation Details (With Text)

File #: 130536 **Version:** 0
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On agenda: **Final action:** 10/15/2013
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Title: Resolution authorizing settlement of the claims raised by plaintiffs, Harvest Covenant Church and Pastor Darnell D. Robinson, in the lawsuit entitled Harvest Covenant Church, et al. v. City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SUITS SETTLEMENT

Attachments: 1. Fiscal Impact Stmt.pdf, 2. City Attorney Letter, 3. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/4/2013	0	COMMON COUNCIL	ASSIGNED TO		
10/1/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/7/2013	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/15/2013	0	COMMON COUNCIL	ADOPTED	Pass	15:0
10/24/2013	0	MAYOR	SIGNED		

130536
Original

THE CHAIR

Resolution authorizing settlement of the claims raised by plaintiffs, Harvest Covenant Church and Pastor Darnell D. Robinson, in the lawsuit entitled *Harvest Covenant Church, et al. v. City of Milwaukee*.

This resolution authorizes settlement of the claims raised by the plaintiffs, Harvest Covenant Church and Pastor Darnell D. Robinson, in the lawsuit entitled *Harvest Covenant Church, et al. v. City of Milwaukee*, U.S. District Court Case No. 12-C-0549, for the total amount of \$191,000.00.

Whereas, Plaintiffs Harvest Covenant Church and Pastor Darnell D. Robinson filed a lawsuit against the City of Milwaukee alleging violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA), the United States and Wisconsin Constitutions, and Wisconsin law; and

Whereas, Harvest Covenant Church and Pastor Darnell D. Robinson and the City of Milwaukee have entered into an agreement, to settle the claims raised by them in the above-referenced lawsuit for the total amount of \$191,000.00; and

Whereas, The Plaintiffs and the City have further agreed that the appropriate zoning classification of the Harvest Covenant Church at its present location is that of a legal nonconforming special use; and

Whereas, The City Attorney recommends that the City of Milwaukee settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$191,000.00, payable to the order of Mauck & Baker Trust Account on behalf of Harvest Covenant Church as soon as practicable, in full and final settlement of this lawsuit, said amount to be charged to the Damages and Claims Fund, Account No. 0001-1490-S118-006300; and, be it

Further Resolved, That for and in consideration of the above-referenced payments and terms, Harvest Covenant Church and Pastor Darnell D. Robinson will provide to the City a release of any and all claims arising out of or in any way related to the subject of this lawsuit, and a stipulation and proposed order for dismissal of the claims that they have raised in the pending Federal court action.

City Attorney

SSM:lmb

August 13, 2013

1082-2012-1435:194983