



Legislation Details (With Text)

File #: 221476 **Version:** 0
Type: Resolution **Status:** Passed
File created: 1/17/2023 **In control:** COMMON COUNCIL
On agenda: **Final action:** 2/7/2023

Effective date:

Title: Resolution authorizing settlement of claims in the lawsuit entitled *Broadway Tierra Partners, LLC v. City of Milwaukee*

Sponsors: THE CHAIR

Indexes: SUITS SETTLEMENT

Attachments:

Date	Ver.	Action By	Action	Result	Tally
1/17/2023	0	COMMON COUNCIL	ASSIGNED TO		
1/30/2023	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/7/2023	0	COMMON COUNCIL	ADOPTED	Pass	12:0
2/15/2023	0	MAYOR	SIGNED		

221476
ORIGINAL

THE CHAIR

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

This resolution authorizes settlement of claims raised by Plaintiff, Broadway Tierra Partners, LLC, in the lawsuit entitled *Broadway Tierra Partners, LLC v. City of Milwaukee*, Milwaukee County Case No. 2021CV3609, for the total amount of \$269,965.50.

Whereas, Plaintiff filed a lawsuit against the City entitled *Broadway Tierra Partners, LLC v. City of Milwaukee*, Milwaukee County Case No. 2021CV3609, for the partial refund of property tax previously paid, on the basis that its 2020-2021 property tax assessments were 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 \$269,965.50; 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 \$269,965.50 and made payable to Michael Best & Friedrich LLP Client Trust Account, which is located at 790 N. Water Street, Suite 2500, 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.

City Attorney

Allison N. Flanagan
December 19, 2022