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Title: Resolution authorizing settlement of claims in the lawsuits entitled Wisconsin & Milwaukee Hotel LLC v. City of Milwaukee and JSWD Commerce LLC v. City of Milwaukee

Sponsors: THE CHAIR

Indexes: SUITS SETTLEMENT

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

Date	Ver.	Action By	Action	Result	Tally
12/15/2020	0	COMMON COUNCIL	ASSIGNED TO		
1/11/2021	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
1/19/2021	0	COMMON COUNCIL	ADOPTED	Pass	15:0
1/28/2021	0	MAYOR	SIGNED		

201126
ORIGINAL

THE CHAIR

Resolution authorizing settlement of claims in the lawsuits entitled *Wisconsin & Milwaukee Hotel LLC v. City of Milwaukee* and *JSWD Commerce LLC v. City of Milwaukee*

This resolution authorizes settlement of claims raised by Plaintiffs, Wisconsin & Milwaukee Hotel LLC and JSWD Commerce LLC, in the lawsuits entitled *Wisconsin & Milwaukee Hotel LLC*, Milwaukee County Case No. 2018CV4952 and *JSWD Commerce LLC v. City of Milwaukee*, Milwaukee County Case No. 2018CV4954, for the total amount of \$558,044.35.

Whereas, Plaintiffs filed two lawsuits against the City entitled *Wisconsin & Milwaukee Hotel LLC v. City of Milwaukee*, Milwaukee County Case No. 2018CV4952 and *JSWD Commerce LLC v. City of Milwaukee*, Milwaukee County Case No. 2018CV4954, for the partial refund of property tax assessments previously paid, on the basis that their 2017-2019 property tax assessments were excessive and violated Article VIII, section I of the Wisconsin Constitution (“Uniformity Clause”); and

Whereas, Plaintiffs also have claims relative to their 2020 assessments; and

Whereas, Plaintiffs have agreed to settle the claims raised in the above-referenced lawsuits and regarding their assessments for the total amount of \$558,044.35; and

Whereas, the City Attorney recommends that the City of Milwaukee settle these lawsuits 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 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 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 2021 Remission of Taxes Special Purpose Account No. 0001-9990-S163-006300, in the sum of \$558,044.35 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 Plaintiffs will provide to the City a release of claims relative to their assessments as well as a stipulation and proposed order to dismiss the claims raised in the pending court actions.

City Attorney

Allison N. Flanagan
November 6, 2020
1056-2018-1768:272046