



Legislation Details (With Text)

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Title: Resolution approving the expenditure of \$4,000 from the Outside Counsel-Expert Witness Fund for the purpose of obtaining an expert witness in hotel valuation matters associated with outstanding assessment objections. (City Attorney)

Sponsors: THE CHAIR

Indexes: ASSESSMENTS, CONSULTANTS, FEES, HOTELS AND MOTELS, LITIGATION, TAXATION

Attachments:

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|-----------------------------------|---------------------------------|--------|-------|
| 6/22/1999 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 6/29/1999 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 7/6/1999 | 0 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR PLACING ON FILE | Pass | 4:0 |
| 7/13/1999 | 0 | COMMON COUNCIL | PLACED ON FILE | Pass | 15:1 |

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THE CHAIR

Resolution approving the expenditure of \$4,000 from the Outside Counsel-Expert Witness Fund for the purpose of obtaining an expert witness in hotel valuation matters associated with outstanding assessment objections. (City Attorney)

- Analysis -

This resolution approves the expenditure of \$4,000.00 from the Outside Counsel - Expert Witness Fund to be reallocated from Marino Construction Co., Inc. v. Renner Architects, et al., Case No. 92-CV-018090 (Marino I-Port Building).

Whereas, The Outside Counsel - Expert Witness Fund is to be used by the City Attorney's Office to retain the services of expert witnesses and outside legal counsel; and

Whereas, Any appropriation of funds from this Fund requires approval by the Common Council via resolution; and

Whereas, As more particularly described on the spreadsheet appended hereto as Exhibit A, the Assessment Commissioner has received assessment objections pertaining to the following hotel properties in the City of Milwaukee: Astor; Hilton; Hyatt; Park East; Pfister; and Wyndham; and

Whereas, The Assessment Commissioner desires the advice and consultation of a valuation expert, S. Steven Vitale of Vitale Realty Advisors, LLC, with respect to valuation issues concerning the subject hotels and hotels in general; and

Whereas, In that said expert and his advice could be helpful with respect to possible litigation (including Board of Review hearings) relating to the challenged assessments, the Assessment Commissioner has contacted the City Attorney's Office with respect to litigation strategy and retaining the expert; and

Whereas, Mr. Vitale has indicated to the City Attorney's Office and Assessor's Office that for roughly \$4,000.00, he can provide a desk-review

of, and report concerning, the valuation techniques employed by the Assessor's Office for the 6 hotel properties at issue and opine whether those techniques are sound and conform to professionally-accepted appraisal practice; and

Whereas, Due to the Marino I-Port Bld. case having recently settled, a sufficient sum of money is presently available in the Outside Counsel - Expert Witness Fund to pay the aforementioned \$4,000.00 amount; now therefore be it

Resolved, By the Common Council that the expenditure of up to \$4,000.00 be approved from the Outside Counsel - Expert Witness Fund, No. 0001 1490 0001 9990 0006 300 and be reallocated from the expert funds previously allocated for the Marino I-Port Bld. case; and be it

Further Resolved, That the Office of the City Attorney is hereby authorized and directed to contract with and engage Mr. Vitale and to pay expert witness fees incurred by him, up to said \$4,000.00 amount, upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney; and be it

Further Resolved, That the City Comptroller is authorized and directed to appropriate the sum of \$4,000.00 to the City Attorney's Office budget for the stated project; and that application of the funds directed herein to a case other than that specifically referred to herein shall be subject to the further direction of the Common Council.

City Attorney
GCH:wt:22071
6/15/99