



## Legislation Text

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**File #:** 020610, **Version:** 1

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020610  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution authorizing the City Attorney to retain outside legal counsel for purposes of acquisition and relocation challenges in the Park East Freeway Demolition Project such services to be funded under the Park East Federal, State, City Project.

This Resolution authorizes the City Attorney to retain outside legal counsel under a written agreement with a maximum authorization of \$50,000 and authorizes the expenditures for these services to be charged to the Project/Grant Fund for the Park East Freeway Removal project.

Whereas, The Common Council authorized the Commissioner of Public Works to execute a Project Agreement with the Wisconsin Department of Transportation ("WisDOT") by Resolution File No. 990947, adopted November 9, 1999 for the removal of the Park East freeway; and

Whereas, Resolution File No. 990947 also authorized the City Comptroller to create within the Capital Improvement Fund, grant and aid projects, the necessary funds to implement the approved project; and

Whereas, Resolution File No. 010469, adopted by the Common Council on August 2, 2001, approved the right-of-way plat for the Park East freeway removal project and authorized the City Engineer, in conjunction with WisDOT, to acquire the necessary right-of-way in furtherance of the right-of-way plat; and

Whereas, A number of the owners of commercial properties within the right-of-way plat have already commenced litigation challenging the City/State right to take their properties, the compensation to be paid for such properties and the relocation benefits determined for such properties, and it is contemplated that additional affected owners will also initiate litigation; and

Whereas, Real estate acquisition costs in furtherance of the Park East freeway removal project are eligible costs under the project Agreement with WisDOT; and

Whereas, Section 304-23 of the Milwaukee Code of Ordinances requires Common Council authorization in order to retain outside legal counsel and provides that any such engagement be pursuant to a written agreement; and

Whereas, The City Attorney recommends that the firm of Michael, Best & Friedrich, LLP be retained as outside legal counsel for the aforementioned matters; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Attorney be and hereby is authorized and directed to retain the firm of Michael, Best & Friedrich, LLP to represent the City of Milwaukee in those acquisition, relocation and compensation litigation matters arising out of the Park East freeway removal project; and, be it

Further Resolved, That such engagement shall be pursuant to a written agreement entered into by the City Attorney on behalf of the City; and, be it

Further Resolved, That the expenditure of up to \$50,000 from Project/Grant Fund Number ST 32002420 is hereby approved for the purpose of payment under such agreement upon presentation to the City Attorney of invoice(s) for service and approval of the invoice(s) by the City Attorney.

City Attorney  
HAS:bal  
Doc. No. 55815