



Legislation Text

File #: 191179, **Version:** 0

191179

ORIGINAL

THE CHAIR

Resolution authorizing settlement of claims in the lawsuit entitled *Whole Foods Market Services, Inc. v. City of Milwaukee*.

This resolution authorizes settlement of claims raised by the Plaintiff, Whole Foods Market Services, Inc., in the lawsuit entitled *Whole Foods Market Services, Inc. v. City of Milwaukee*, Milwaukee County Case No. 18CV4935, for the total amount of \$74,997.62.

Whereas, Plaintiff filed a lawsuit against the City entitled *Whole Foods Market Services, Inc. v. City of Milwaukee*, Milwaukee County Case No. 18CV4935, for the partial refund of property tax assessments previously paid, on the basis that its 2017 and 2018 property tax assessments were excessive; and

Whereas, Plaintiff has agreed to settle the claims raised in the above-referenced lawsuit for the total amount of \$74,997.62, inclusive of interest, and included in this settlement is a resolution of Plaintiff's 2019 and 2020 assessments; and

Whereas, the City Attorney recommends that the City of Milwaukee settle this lawsuit 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 as outlined in the above-referenced lawsuit, to be charged to the 2019 Remission of Taxes Fund Special Purpose Account No. 0001-9990-S163-006300, in the sum of \$74,997.62 and made payable to Whole Foods Market Services, Inc. in final settlement of this lawsuit; 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 and a stipulation and proposed order to dismiss the claims raised in the pending court action.

City Attorney

Allison N. Flanagan
October 25, 2019
1056-2018-1773:264295