



Legislation Text

File #: 971920, Version: 2

971920

SUBSTITUTE 2

Substitute resolution authorizing settlement of consolidated actions entitled Indian Council for the Elderly, Inc. et al. v. City of Milwaukee, Case No. 94-C-1156 and United States of America v. City of Milwaukee, Case No. 94-C-104 and authorizing execution of an Intergovernmental Cooperation and Development Agreement by and among the City of Milwaukee, the City of Greenfield, Milwaukee County, the Indian Council of the Elderly, Inc., the Sisters of St. Francis of Assisi, and the School Sisters of St. Francis.

This resolution authorizes settlement of the above-captioned lawsuits arising out of the Indian Council of the Elderly Housing Project for an amount not to exceed \$310,000.00 and further authorizes execution of an Intergovernmental Cooperation and Development Agreement provided for implementation of the Project as well as certain expenditures and the initiation of certain other actions as provided therein.

Whereas, The private plaintiffs and the United States Government have filed lawsuits against the City of Milwaukee alleging violations of the Fair Housing Act; and

Whereas, The plaintiffs in those lawsuits have agreed to settle the pending litigation in consideration of the payment of an amount not to exceed \$310,000.00 together with execution of an Intergovernmental Cooperation and Development Agreement and implementation of the Project and related actions as set forth therein; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it to be expeditious and just to settle this lawsuit at the present time; and

Whereas, The Intergovernmental Cooperation and Development Agreement proposed by and among the private plaintiffs, the City of Milwaukee, the City of Greenfield and Milwaukee County provides for the implementation of an elderly housing project by the private plaintiffs; and

Whereas, The Intergovernmental Cooperation and Development Agreement contemplates various other actions, including the annexation of a portion of Armour Park located within the City of Greenfield, the rezoning and conveyance of said area to the private plaintiffs for construction of the Project, the release of various park deed restrictions and the fulfillment of other requirements of Milwaukee County, all as set forth in the Intergovernmental Cooperation and Development Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$310,000.00 payable to Lawyers Title Insurance Company for deposit in escrow and disbursement, in full and final settlement of the above-captioned litigation, upon receipt of releases of claims and other necessary documentation, all as set forth in the Intergovernmental Cooperation and Development Agreement, the settlement amount to be charged to the Damages and Claims Fund Account No. 0001-1490-0001-5118-006300 and the other development costs contemplated by the Intergovernmental Cooperation and Development Agreement, in the amount of approximately \$279,000, to be charged to the Damages and Claims Fund Account No. 0001-1490-0001-5118-006300 as set forth in the attached fiscal note; and, be it

Further Resolved, That the proper City officers are hereby authorized and directed, on behalf of the City, to execute the Intergovernmental Cooperation and Development Agreement, in substantially the form attached to this Common Council File with such minor non-substantive revisions as may be required by the parties and approved by the Office of the City Attorney, and to take such other actions and execute such additional documents, agreements and instruments as may be necessary to implement the terms of the settlement and the Intergovernmental Cooperation and Development Agreement.

City Attorney
TOG:bal
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