



## Legislation Text

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**File #:** 990566, **Version:** 0

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990566  
ORIGINAL

### THE CHAIR

Resolution authorizing the transfer of \$4,000 from the Common Council Contingent Fund to 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 authorizes the transfer of \$4,000.00 from the Common Council Contingent Fund to the Outside Counsel - Expert Witness Fund for the purpose obtaining an expert witness in hotel valuation matters associated with outstanding assessment objections.  
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, A sufficient sum of money is not presently available in the Outside Counsel - Expert Witness Fund to pay the aforementioned amount, but is available from funds which may be transferred from the Contingent Fund; now, therefore, be it

Resolved, By the Common Council that \$4,000.00 be transferred from the Common Council Contingent Fund No. 0001-9990-C001 to the Outside Counsel - Expert Witness Fund, No. 0001 1490 0001 9990 0006300 and the expenditure of \$4,000.00 from the Outside Counsel - Expert Witness Fund is hereby authorized for the purpose of retaining an expert witness as directed herein; 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:bw:22626  
7/6/99