



Legislation Text

File #: R_12952, **Version:** 0

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Original

The Chair

Resolution approving the Housing Authority of the City of Milwaukee and the limited liability companies of which the Authority is the managing member to enter into a Settlement Agreement in "*Housing Authority of the City of Milwaukee, et al., plaintiffs v. Zimmerman Design Group, Inc., et al., defendants*," Milwaukee County Circuit Court Case No. 12CV11532

On October 18, 2012 the Housing Authority filed a certain Complaint, Case No. 12CV011532 in Milwaukee County Circuit Court against the following defendants: Zimmerman Design Group., Inc. Zurich-American Insurance Company, Gilbane Building Company, and Liberty Mutual Fire Insurance Co; and

WHEREAS, the Complaint concerned design and building defects in the construction and design of the Convent Hill condominium building; and

WHEREAS, the Complaint was amended to include other parties as defendant; and Convent Hill Gardens Limited Partnership, Convent Hill LLC, Convent Hill Retail, LLC, FOH, LLC were added as plaintiffs; and

WHEREAS, after lengthy discovery and litigation, the parties have engaged in a mediation process now resulting in a proposed settlement agreement; and

WHEREAS, the proposed settlement will result in a construction agreement wherein the defendants will perform certain work on the façade and interior of Convent Hill to correct major portions of the alleged design and building defects and resolve disputed issues of building code compliance, and

WHEREAS, the proposed settlement will provide the payment of \$700,000 in cash to be divided between the plaintiffs as mutually agreed upon in a memorandum of understanding; and

WHEREAS, the material terms of the proposed settlement have been reviewed by the Commissioners of the Housing Authority of the City of Milwaukee; therefore be it

RESOLVED, by the Commissioners of the Housing Authority of the City of Milwaukee that the proposed Settlement Agreement, be approved; and, be it

FURTHER RESOLVED, that the Secretary-Executive Director is authorized to execute the Settlement Agreement, the construction agreement and releases, the memorandum of understanding and any other documents that may be necessary to effectuate the settlement of the litigation, on behalf of the Housing Authority of the City of Milwaukee and on behalf of the limited liability companies of which the Authority is the managing member.

City Attorneys Office, April 20, 2018