

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 19, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Paul Bargren, Corporation Counsel

SUBJECT: Contract for von Briesen & Roper S.C. related to expected Downtown Transit Center litigation

This file is submitted for consideration during the December cycle. I suggest it be referred to the Committees on Judiciary, Safety and General Services for action and later to Finance, Personnel and Audit for passive review consideration.¹ I expect the matter will also be discussed by the Committee on Economic and Community Development in its consideration of File 14-827.

In October, I informed you that the firm of von Briesen and Roper, s.c., and specifically Attorney Alan Marcuvitz of that firm, had been engaged to perform work on a development agreement and related documents for the Downtown Transit Center site. Such documents have been completed, and are expected to be before the Committee on Economic and Community Development as File No. 14-827 in the December cycle.

Contingent upon approval of File No. 14-827 by the Economic and Community Development Committee and the Milwaukee County Board of Supervisors, I foresee the need for additional work by von Briesen and Roper, s.c. to formulate and carry out a litigation strategy related to obtaining a judgment to establish the County's title and rights to the subject property and the County's ability to proceed with the Option to Purchase and Development Agreement in File No. 14-827. This litigation would proceed only if and when File No. 14-827 is approved by the Board.

This contract extension will be funded from Org. Unit 1961, the Litigation Reserve.

I respectfully request this item be marked for closed session per Wis. Stats. 19.85(1)(g) so that committee members may, if they wish, confer with my office and Mr. Marcuvitz about the strategy to be adopted with respect to this litigation.

¹ To allow 14 days for the Finance Committee to complete its passive review process at its December 11 meeting, a fully signed agreement will be submitted December 1 or later.