



## MILWAUKEE COUNTY

### **OFFICE OF CORPORATION COUNSEL** INTER-OFFICE COMMUNICATION

KIMBERLY R. WALKER  
Corporation Counsel

MARK A. GRADY  
Deputy Corporation Counsel

TIMOTHY R. KARASKIEWICZ  
ROY L. WILLIAMS  
COLLEEN A. FOLEY  
LEE R. JONES  
MOLLY J. ZILLIG  
ALAN M. POLAN  
JENNIFER K. RHODES  
DEWEY B. MARTIN  
JAMES M. CARROLL  
PAUL D. KUGLITSCH  
Principal Assistant  
Corporation Counsel

DATE: March 25, 2013

TO: Ms. Marina Dimitrijevic, Chairwoman  
Milwaukee County Board of Supervisors

FROM: Roy L. Williams, Principal Assistant Corporation Counsel

SUBJECT: Midwest Development Corporation v. Milwaukee County  
Case No. 12-CV-11071

On October 9, 2012, Midwest Development Corporation (“Midwest”) filed a lawsuit against Milwaukee County (“the County”). In 1983, Milwaukee County entered into an agreement with Midwest in which the company leased Crystal Ridge. The agreement allowed Midwest to lease Crystal Ridge for the purpose of filling the landfill and using it for athletic activities. The agreement stated that Midwest could fill on the land at a rate of \$70.00 per truck. The County was to get half of the money. In 2006, Midwest and the County entered into an agreement to cap the east portion of the land. The agreement also included plans for the installation of athletic fields after the cap was completed. Midwest instead used the land for other purposes including motorized activities. In 2008, the lease ended. At that time, Midwest became a hold-over tenant.

Near the end of 2011, the County entered into an agreement with Rock Sports Complex, LLC to take over Crystal Ridge. This prompted Midwest to file a lawsuit against Milwaukee County in which it alleges that the County constructively evicted the company. Midwest seeks to recover \$10,000 in rent, money for the buildings it added, and up to \$4,000,000 for improvements.

The Office of Corporation Counsel seeks permission from the Milwaukee County Board of Supervisors to file a counter-claim against Midwest for the substantial amount of environmental work which must be done to the land. This work was to be done by Midwest, but the company failed to perform the work. Specifically, a slope stabilization study was done by Himalayan Consultants (“Himalayan”). Himalayan recommends repairs be done to Magen Woods, the access road, and the slopes in order to prevent continued erosion and damage to the surrounding facilities. Himalayan’s recommended plan will cost \$750,000 and \$1,100,000. In light of the fact that much of this damage was caused by Midwest, the Office of Corporation Counsel believes it is appropriate to file a counter-claim against Midwest.

Please forward this matter to the Judiciary Committee so that it may be placed on the agenda for the next meeting at which we will seek approval to file a counter-claim against Midwest Development Corporation.

  
RLW/rf

cc: Amber Moreen  
Kelly Bablitch  
Jennifer Collins  
Janelle Jensen  
Raisa Koltun  
Jim Keegan