

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 19, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Paul Bargren, Corporation Counsel

SUBJECT: Authorization for Litigation Contingent Upon Downtown Transit Center Approval

This file is submitted for consideration during the December cycle. It is appropriate for referral to the Committee on Judiciary, Safety and General Services.

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. Those documents have been completed, and are included as part of File No. 14-827, which has been submitted for consideration by the Committee on Economic and Community Development in this cycle.

Contingent upon approval of File No. 14-827 by the ECD Committee and the Milwaukee County Board of Supervisors, I foresee the potential for a litigation strategy related to obtaining a judgment establishing 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. The resolution contained in this file seeks authorization for this litigation strategy.

A contract extension for \$100,000 for the von Briesen firm to carry out the litigation strategy (if authorized and as directed by my office) has been submitted to the Committee on Finance, Personnel and Audit for passive review consideration as File 14-903. 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.