

Interoffice Communication
County of Milwaukee

Date: February 20, 2015
To: Anthony Staskunas, Chairman
Committee on Judiciary, Safety and General Services
From: Paul Bargren, Corporation Counsel *PB*
Subject: Update on *Milwaukee County v. Preserve Our Parks*

Attorney Alan H. Marcuvitz of von Briesen & Roper, s.c. has been engaged by Milwaukee County to handle the litigation pursuant to Files 14-903 (contract) and 14-914 (authorizing litigation). He will attend the Committee's meeting at 9 a.m. March 26, 2015, to discuss the case and advise the Committee in closed session on recent developments and expected strategy to be adopted in the litigation.

No action by the committee is requested.

On December 23, 2014, Milwaukee County and the City of Milwaukee filed a petition with the Wisconsin Supreme Court asking the Court to take original jurisdiction in a declaratory action and declare valid legislation passed in 2014 establishing the extent of the lakebed of Lake Michigan based on a line that had been in use for more than 100 years. On February 10, 2014, the Supreme Court denied the County's petition.

As a result, on February 20, 2015, Milwaukee County and the City of Milwaukee filed an action in Milwaukee County Circuit Court, seeking the same relief that had been requested in the Supreme Court action, namely asking that the Circuit Court declare the 2014 legislation valid so as to establish that the County Transit Center at Michigan Avenue and Lincoln Drive is not in the lakebed and therefore is not subject to the public trust doctrine.

This would eliminate challenges to construction of the proposed Couture project based on the public trust doctrine. The County has offered an option on the property to the Couture project developer.