

**CITY OF WAUKESHA****Administration**

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Committee: None	Committee Meeting Date: Click here to enter a date.
Agenda Item Number: 19-0932	Common Council Meeting Date: 7/2/2019
Submitted By: Brian Running, City Attorney	City Administrator Approval: Kevin Lahner, City Administrator Click here to enter text.
Finance Department Review: Rich Abbott, Finance Director	City Attorney's Office Review: Brian Running, City Attorney BER
Subject: Settlement of Woodman's excessive-tax-assessment lawsuit.	

Details:

This is another of the many excessive-assessment lawsuits brought against the City by large retailers, in this case, Woodman's. Outside counsel provided by our liability-insurance company has negotiated a settlement and is recommending it to the City. The Assessor's office also recommends approval of the settlement proposal.

The settlement would be an agreement that the main Woodman's store be assessed at \$14,300,000 and the convenience store at \$1,450,000 for both 2017 and 2018. Doing so would result in a total refund to Woodman's of \$33,294.19 for both tax years. The refund would be payable by September 1. In the lawsuit, Woodman's had claimed that the values should be \$14,000,000 and \$1,000,000, and the City's assessment was \$15,136,200 and \$1,468,800, so the disparity in opinions is not as large as in many of these suits. The total reduction in assessment under the settlement would be \$855,000.

Options & Alternatives:

The only alternative is to reject the settlement proposal, meaning the case would go to trial. The advantage of settlement is that the parties have some control over the outcome, because it's a mutual agreement, as opposed to taking a chance on the Court's decision. Also, the time, expense, and trouble of preparing for and conducting a trial are avoided.

Financial Remarks:

A refund of \$33,294.19 would have to be paid by September 1.

Staff Recommendation:

Approval of the proposed settlement and authorization for Mayor and Clerk to sign.