

**AGENDA # \_\_\_\_\_**

**CITY OF MADISON, WISCONSIN**

A RESOLUTION \_\_\_\_\_

**Approving a Stipulation and Settlement Agreement with The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC (collectively, "Lamar"), and authorizing the City Attorney to execute the same, authorizing the City to enter into a lease with Lamar, and authorizing staff to permit Lamar to trim certain vegetation.**

PRESENTED  
REFERRED

**February 5, 2013**  
**Board of**  
**Estimates, Plan**  
**Commission**

\_\_\_\_\_  
REREFERRED

\_\_\_\_\_  
REPORTED BACK

\_\_\_\_\_  
ADOPTED \_\_\_\_\_ POF \_\_\_\_\_  
RULES SUSPENDED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

Drafted by: **Michael P. May**

Date: **January 28, 2013**

Fiscal Note:

SPONSORS: **Mayor Soglin**

WHEREAS, The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC (collectively, "Lamar"), and the City of Madison (City) are adverse parties in tax disputes in a number of cases in Dane County Circuit Court, including No. 2011-CV-2201, No. 2010-CV-2615, No. 2009-CV-2695, No. 2008-CV-2390, No. 2007-CV-0928 and No. 2005-CV-0794 representing disputes over tax assessments of billboards owned by Lamar and payments for tax years 2004 and 2006-2010; and

WHEREAS, Lamar owns a billboard located at the Don Miller site on the 800 block of East Washington Avenue, and also owns a permanent easement for that site, and the City desires to have this billboard removed, while Lamar desires to retain the billboard, so that Lamar and the City anticipate that issues surrounding the future of this billboard may result in future litigation between the parties, and

WHEREAS, Lamar and the City desire to end the existing litigation between them and to avoid future litigation over the billboard at the Don Miller site, and to model the settlement of these matters on the similar settlement reached with the Adams Company over similar issues; and

WHEREAS, Lamar and the City Attorney previously negotiated a settlement agreement, conditioned upon approval of the Common Council, which provided for payment of \$160,000 from the City to Lamar but did not resolve the Don Miller sign issue, which agreement was never presented to the Common Council; and

WHEREAS, Lamar and the City Attorney have negotiated a new Stipulation and Settlement Agreement (the Agreement) to end the current litigation and assure no future litigation with respect to the Don Miller billboard, which Agreement is conditioned upon approval of the Common Council, and is attached to this resolution and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison, subject to the separate adoption of the ordinance referred to in the Agreement, hereby approves the Stipulation and Settlement Agreement, and the City Attorney is authorized to enter into the further

agreements contemplated therein, to dismiss the pending court cases, and obtain the release of the easement at the Don Miller site; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to enter into the lease contemplated by the Stipulation and Settlement Agreement; and,

BE IT FURTHER RESOLVED, that city staff are authorized to carry out the Settlement Agreement, including permitting Lamar to trim or remove certain vegetation as contemplated by the Settlement Agreement, subject to any other City requirements.