

CITY OF MADISON, WISCONSIN

REPORT OF THE CITY ATTORNEY

AUTHOR: Jaime L. Staffaroni

DATED: March 7, 2022

TO THE MAYOR AND COMMON COUNCIL:

RE: UNLAWFUL TAXATION: Eric J. Hatchell, Foley & Lardner, LLP, attorney for Lots 2 and 3, LLC – Excessive Assessment - \$4,339.42

Claimant Lots 2 and 3, LLC is claiming a refund for excessive real property tax pursuant to Wis. Stat. § 74.37 for their 2021 taxes for their property located at 8119 Mayo Drive. The claimant alleges that the assessed value should be no higher than \$2,759,857 for 2021, and the property taxes should be no higher than \$62,006.92. The Claimant seeks a refund of \$4,339.42 plus interest.

The City Assessor valued the property at \$2,953,000 for tax year 2021. The Claimant challenged the 2021 assessment before the Board of Review, and they sustained the assessment. The 2021 real property taxes were \$66,346.34. The Claimant alleges that the City Assessor used an improper capitalization rate in establishing the assessed value. Claimant and the City are currently involved in litigation in Dane County Circuit Court regarding the 2020 assessment: *Lots 2 and 3, LLC vs. City of Madison*, 2021CV001425.

I have consulted with the Office of the Assessor, and we are of the opinion that the Board of Review determined the appropriate assessed value for 2021.

For the foregoing reasons, I recommend denial of the subject claim.

Note: This claim was received on January 26, 2022, and pursuant to Wis. Stat. § 74.37(3)(a) if no action is taken on this claim by the Common Council within ninety (90) days of filing the claim, it is considered disallowed.

Respectfully submitted,


Jaime L. Staffaroni
Assistant City Attorney