

CITY OF MADISON, WISCONSIN

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**REPORT OF THE CITY ATTORNEY**

AUTHOR: Jaime L. Staffaroni

DATED: March 7, 2022

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TO THE MAYOR AND COMMON COUNCIL:

RE: UNLAWFUL TAXATION: Eric J. Hatchell, Foley & Lardner, LLP, attorney for Bird Dog Hospitality IV, LLC – Excessive Assessment - \$67,862.09

Claimant Bird Dog Hospitality IV, 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 4801 Annamark Drive. The claimant alleges that the assessed value should be no higher than \$3,269,000 for 2021, and the property taxes should be no higher than \$71,423.40. The Claimant seeks a refund of \$67,862.09 plus interest.

The City Assessor valued the property at \$6,375,000 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 \$139,285.49. Claimant and the City recently agreed to settlement terms in litigation in Dane County Circuit Court regarding the 2020 assessment: *Bird Dog Hospitality IV, LLC vs. City of Madison*, 2021CV001410.

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