



## Legislation Text

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File #: 52046, Version: 1

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### Fiscal Note

This resolution authorizes \$50,000 for a special outside legal counsel to represent the City's interest in a lawsuit related to the Judge Doyle development project. The \$50,000 will be authorized from existing funds appropriated for the Judge Doyle Public Parking Structure Project. A total of \$50.4 million has been appropriated from Parking Utility Reserves (\$23.4 million), TID 25 incremental revenues (\$24 million), City general obligation borrowing (\$2.3 million), and remaining Federal TIGER grant funds (\$0.7 million). Under Section 4.27, Madison General Ordinances, contracts for outside legal services do not require a competitive selection.

### Title

Authorizing non-competitive selection of special outside counsel to assist the Office of the City Attorney in representing the City's interests in *Beitler Real Estate Services, LLC v. City of Madison, Wisconsin*, Case No. 1:18-cv-03895 filed in federal district court in the Northern District of Illinois.

### Body

WHEREAS, Beitler Real Estate Services, LLC ("Beitler") filed a complaint against the City of Madison over the private/public development partnership known as "Block 88" or "Judge Doyle Square"; and

WHEREAS, in the complaint, Beitler is seeking, among other relief, an injunction to prevent the City from taking any further action to construct above-grade on Block 88 including developing and constructing the Podium; and

WHEREAS, injunctions typically require a quick response time to the Court; and

WHEREAS, construction disputes involve specialized knowledge and expertise requiring the City to retain outside experts; and

WHEREAS, Attorney H. Dale Peterson and Stroud, Willink & Howard, LLC have the required specialized knowledge and expertise on these specific types of issues having represented numerous parties in construction matters and litigation, including representing Findorff in its dispute over the Edgewater Hotel construction; and

WHEREAS, under sec. 4.26(4)(a)3. MGO, the City may retain services of an attorney without competitive bids; and

WHEREAS, the City Attorney contacted two firms to discuss representing the City and the City Attorney recommends that the City retain the Stroud firm and attorney Peterson;

NOW, THEREFORE, BE IT RESOLVED that the City hereby agrees to retain the firm of Stroud, Willink & Howard, LLC and Attorney H. Dale Peterson to assist the City Attorney's Office in representing the City's interests in the *Beitler* litigation; and

BE IT FURTHER RESOLVED that the City is authorized to pay up to \$50,000 to the Stroud firm for their legal services out of the amount appropriated for the Judge Doyle Public Parking Project;

AND BE IT FURTHER RESOLVED that the City Attorney shall review and execute a retainer agreement with

H. Dale Peterson and Stroud, Willink & Howard, LLC on the terms approved by the City Attorney.