



Legislation Details (With Text)

File #: 22180 **Version:** 2 **Name:** 2011 Resolution-042011
Type: Resolution **Status:** Passed
File created: 4/20/2011 **In control:** BOARD OF ESTIMATES (ended 4/2017)
On agenda: 2/7/2012 **Final action:** 2/7/2012
Enactment date: 2/10/2012 **Enactment #:** RES-12-00078
Title: SUBSTITUTE Approving a Stipulation and Settlement Agreement with Adams Outdoor Advertising, and authorizing the City Attorney to execute the same.
Sponsors: Paul R. Soglin
Indexes:
Code sections:
Attachments: 1. Report of the City Attorney, 2. Version 1, 3. Settlement Agreement, 4. City Attorney Memo, 5. 22180 registrations.pdf

Date	Ver.	Action By	Action	Result
2/7/2012	2	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
1/30/2012	2	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
12/13/2011	2	COMMON COUNCIL	Refer	Pass
12/8/2011	2	Attorney's Office	Refer	
9/6/2011	1	COMMON COUNCIL	Re-refer	Pass
8/29/2011	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
8/2/2011	1	COMMON COUNCIL	Referred	
7/25/2011	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The Substitute Resolution provides for an alternative settlement with Adams Outdoor Advertising in which a previous cash settlement (which would have required the City pay to Adams a net of \$632,594) is replaced with a new agreement that allows Adams the right to construct new or replacement billboards in return for dismissal of all pending cases and providing the City a satisfaction of judgment. Adams would have the right to apply for and obtain five (5) new permits for two-sided billboards, to modify one billboard, and to convert or replace one other billboard by moving it about 15 feet. Adams also agrees to remove billboards at the Villager and Union Corners. No appropriation is required.

Title

SUBSTITUTE Approving a Stipulation and Settlement Agreement with Adams Outdoor Advertising, and authorizing the City Attorney to execute the same.

Body

WHEREAS, Adams Outdoor Advertising, LLC, (Adams) and the City of Madison (City) are adverse parties in a number of cases in Dane County Circuit Court, including cases that have proceeded to judgment (Cases No. 2003 - CV - 777, and combined cases 2004 - CV - 883, 2005 - CV - 795 and 2007 - CV - 927) representing disputes over tax assessments of billboards owned by Adams and payments for tax years 2002-2004 and 2006, and pending cases (Cases No. 2007 - CV - 2201, 2008 - CV - 2392, 2009 - CV - 2696, 2010 - CV - 2614, and 2011 - CV - 2202) representing similar disputes for tax years 2005 and 2007-2010; and

WHEREAS, Adams and the City were previously parties in litigation in Dane County Circuit Court regarding the City's regulation of billboards, Dane County Case No. 90 - CV -1668, which matter was settled in 1993 by an agreement allowing Adams to relocate billboards and the issuance of additional billboard permits by the City to Adams; and

WHEREAS, Adams owns billboards located at the Villager Development and Union Corners in the City, and the City desires to have those billboards removed, while Adams desires to retain the billboards, so that Adams and the City anticipate that issues surrounding the future of these billboards may result in future litigation between the parties, and

WHEREAS, Adams and the City desire to end the existing litigation between them and to avoid future litigation over the billboards at the Villager and Union Corners, and to model the settlement of these matters on the similar settlement reached in 1993; and

WHEREAS, Adams and the City Attorney have negotiated a Stipulation and Settlement Agreement (the Agreement) to end the current litigation and assure no future litigation with respect to the Villager and Union Corners signs, which Agreement 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 a satisfaction of judgment in completed court cases.