

Redevelopment Authority of the City of Milwaukee

Resolution No.: 10267
Adopted on: December 16, 2010
Project Area: 27th & Wisconsin
Aldermanic District: 4th

Resolution authorizing the release of encumbrances and restrictions upon TCF Bank and Layton State Bank Account Balances of VFW Post 2874 and account balances allowing the VFW to retain and use those account funds for VFW purposes.

Whereas, when the Redevelopment Authority took by eminent domain the blighted property at 2601 W. Wisconsin Avenue (the "Property") on February 28, 2001, in which VFW Post 2874 was a tenant, and

Whereas, the Redevelopment Authority paid into Court \$300,000 as an Award amount for the Property even though the Redevelopment Authority's appraiser determined the Property's fair market value to be zero; and

Whereas, the landlord and owner of the building of the property allowed VFW Post 2874 to withdraw and retain the \$300,000 Award; and

Whereas, VFW Post 2874 subsequently challenged the Redevelopment Authority's Award in Circuit Court, and

Whereas, the Redevelopment Authority obtained a November 6, 2006 judgment in case 05-CV-000365 that VFW Post 2874 was required to pay back to the Redevelopment Authority the \$300,000 Award, and

Whereas, Upon appeal of the judgment by VFW Post 2874, the Court ruled in 2007 that, if the Redevelopment Authority ultimately prevailed in the Courts, the Redevelopment Authority could obtain bank account balances held by the VFW at Landmark Credit Union, TCF Bank, and Layton State Bank as an offset against the amount VFW owes the Redevelopment Authority under the 2006 Judgment; and

Whereas, Subsequent court rulings have affirmed that VFW Post 2874 still owes the Redevelopment Authority under the 2006 Judgment; and

Whereas, the Court, Judge Witkowiak, signed a November 29, 2010 Order (the "2010 Court Order") requiring VFW to respect the 2007 Court Order and ordering Landmark Credit Union, TCF Bank, and Layton State Bank to release to the Redevelopment Authority the VFW accounts encumbered by and subject to the 2007 Court Order; and

Whereas, RACM, acting under the 2010 Court Order did obtain and deposit into the Redevelopment Authority's financial institution a Landmark Certificate of Deposit in the amount of \$258,752.46; now therefore, be it:

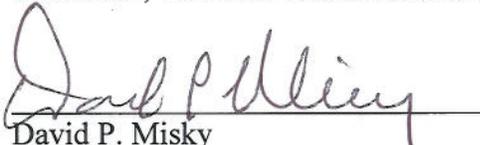
Resolved, that the Redevelopment Authority agrees that Layton State Bank and TCF Bank do not have to release the VFW account balances to the Redevelopment Authority and that VFW may retain and use those account funds for VFW purposes, VFW thus having the ability to decide whether those account funds should or should not be paid to the Redevelopment Authority to pay down the 2006 Judgment; and be it

Further Resolved, with the exception of the foregoing the Redevelopment Authority release of the encumbrance and restrictions upon the Layton State Bank and TCF Bank accounts, the Redevelopment Authority expressly reserves and retains any and all other rights under, and in and to, the 2006 Judgment, the 2007 Court Order and the 2010 Court Order, this resolution and the release effected hereby not being a compromise or reduction in VFW debt, but a lifting of restrictions and encumbrance upon the Layton State Bank and TCF Bank accounts referred to in and subject to the 2007 and 2010 Court Orders.

CERTIFICATION

I certify that the forgoing is a true and exact copy of a resolution adopted by the Redevelopment Authority of the City of Milwaukee, WI on the date set forth above.

(seal)


David P. Misky
Assistant Executive Director-Secretary
