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ARTICLES

THE CURIOUS CASE OF THE BRADLEY CENTER

MATTHEW J. PARLOW*

I. INTRODUCTION

On March 5, 1985, Jane Bradley Pettit—along with her husband, Lloyd Pettit—announced that she was going to pay for the construction of a new sports arena, the Bradley Center, and donate it to the people of the State of Wisconsin so that they could enjoy and benefit from a state-of-the-art sports facility.¹ The announcement was met with much enthusiasm, appreciation, and even marvel due to Mrs. Pettit’s incredible generosity.² But few, if any, seemed to fully understand and appreciate how unique and extraordinary Mrs. Pettit’s gift was and would become. This lack of awareness was due to at least a few contextual factors. Up until the time of Mrs. Pettit’s announcement, the United States and Canada—where all of the teams in the four major professional sports leagues played³—experienced only a modest number of new

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1. *See Arena News Was at Center Arena*, MILWAUKEE J., Mar. 9, 1985, at 4B.

2. *See, e.g., City of Milwaukee Common Council, Res. 85-1224* (Wis. 1985) (thanking the Pettits on behalf of the city for their donation to build a new sports arena) (on file with author). Interestingly, the original construction (and thus donation) amount at the time was estimated at \$30 to \$40 million. *See Sale of Bucks Began Long Debate*, MILWAUKEE SENTINEL, Nov. 20, 1985, pt. 1, at 12. The final construction costs totaled approximately \$90 million—nearly triple the original estimate. *See Mary Van de Kamp Nohl, Jane’s Gift*, MILWAUKEE MAG., Nov. 1, 2001, at 46, 46.

3. For purposes of this article, I define the four major professional sports leagues as Major League Baseball (MLB), the National Basketball Association (NBA), the National Football League (NFL), and the National Hockey League (NHL).

sports facilities.⁴ Conversely, after the Bradley Center opened, the subsequent decades saw an extraordinary construction boom of new sports arenas and stadiums.⁵ Since 1988—the year that the Bradley Center opened—there have been eighty-nine new sports facilities built,⁶ and there are four additional arenas and stadiums currently under construction or well along in the planning stages.⁷ This number is somewhat remarkable given that there are only 122 teams in the four major sports today⁸—and a number of them share the same arena or stadium, bringing the effective number of needed facilities to 109.⁹ In 1985, then, per-

4. See Matthew J. Parlow, *Publicly Financed Sports Facilities: Are They Economically Justifiable? A Case Study of the Los Angeles Staples Center*, 10 U. MIAMI BUS. L. REV. 483, 486 (2002) [hereinafter Parlow, *Publicly Financed*].

5. *Id.* at 485. See Matthew J. Parlow, *Equitable Fiscal Regionalism*, 85 TEMP. L. REV. 49, 97–123 (2012) [hereinafter Parlow, *Equitable*] (appendix detailing various information regarding sports arenas and stadiums used by teams in the NBA, NFL, NHL, and MLB, including the years in which each facility was built).

6. See Parlow, *Equitable*, *supra* note 5.

7. See Mark Anderson, *Sacramento Kings Say New Downtown Arena Will Have Nation's Best Wi-Fi Connectivity*, SACRAMENTO BUS. J. (July 24, 2014), [http://www.bizjournals.com/sacramento/news/2014/07/24/sacramento-kings-downtown-arena-will-have-na-tions.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+industry_7+\(Industry+Technology\)](http://www.bizjournals.com/sacramento/news/2014/07/24/sacramento-kings-downtown-arena-will-have-na-tions.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+industry_7+(Industry+Technology)) (describing the Sacramento Kings' proposed new sports arena); *Home of the San Francisco 49ers*, LEVI'S STADIUM, <http://www.levisstadium.com> (last visited May 15, 2017); *Warriors Make a Play for Mission Bay*, GOLDEN ST. WARRIORS (Apr. 22, 2014), <http://www.nba.com/warriors/news/warriors-sf-mission-bay-20140422> (detailing the Golden State Warriors' proposed new arena); *The New Multi-purpose Stadium in Arden Hills by the Numbers*, MINN. VIKINGS, <http://prod.static.vikings.clubs.nfl.com/assets/docs/print-ad-112211.pdf> (last visited May 15, 2017) (describing the Minnesota Vikings new stadium). While there have been discussions in other cities about new sports facilities for existing teams—such as Phoenix for the NBA's Suns and Milwaukee for the NBA's Bucks—they are not included here, as no plans have been approved nor has financing been secured for construction. See Craig Powers, *Suns Discuss New Arena with City, Want Historic Buildings, to Destroy*, SBNATION (Oct. 9, 2012), <http://www.sbnation.com/nba/2012/10/9/3478190/phoenix-suns-downtown-arena> (discussing arena situation in Phoenix); Rich Kirchen, *Lasry, Edens Retain Former Schwarzenegger Aide as PR Consultant*, MILWAUKEE BUS. J. (July 24, 2014), <http://www.bizjournals.com/milwaukee/news/2014/07/24/lasry-edens-retain-former-schwarzenegger-aide-as.html?page=all> (describing the status of the Milwaukee arena).

8. See *Team-by-Team Information*, MLB, <http://mlb.mlb.com/team/> (last visited May 15, 2017) (listing the 30 MLB teams); *Team Stats, Details, Videos, and News*, NBA, <http://www.nba.com/teams/> (last visited May 15, 2017) (listing the 30 NBA teams); *NFL Teams*, NFL, <http://www.nfl.com/teams> (last visited May 15, 2017) (listing the 32 NFL teams); and *Teams*, NHL, <http://www.nhl.com/ice/teams.htm> (last visited May 15, 2017) (listing the 30 NHL teams).

9. The following is a list of arenas and stadiums that host more than one team: Barclays Center in New York City (NBA's Nets and NHL's Islanders); Staples Center in Los Angeles (NBA's Lakers

haps it was understandable that people could not fully appreciate the arms race of sorts that states and municipalities were about to enter into with regard to building new arenas and stadiums in an attempt to keep or lure professional sports teams from other locales.¹⁰

Nor would people at the time have appreciated how controversial new sports facilities would become. Up until the 1990s, sports arenas and stadiums were almost always entirely paid for and owned by either a private party (or parties) or a governmental entity.¹¹ Thereafter, a trend began—that continues today—of new sports facilities being owned by private entities but paid for, at least in part, by public financing.¹² In fact, of the ninety-three sports facilities built since 1988—including those that are currently under construction or well into the planning process—seventy-eight of them received public financing, but are privately owned.¹³ This public financing movement has been met with great public resistance and skepticism, particularly as economists have questioned the wisdom and return on investment for cities and states that subsidize these privately-owned sports facilities.¹⁴ In these regards, observers in 1985 (or 1988 for that matter) would not have fully appreciated or understood how rare and unprecedented Mrs. Pettit’s approach to financing a new sports facility was and would become.

And yet, while much ink has been spilled regarding this new trend in the public financing of new sports arenas and stadiums—most of it critical—scholars and commentators alike have all but ignored or forgotten Mrs. Pettit’s

and Clippers and NHL’s Kings); Oakland–Alameda County Coliseum in Oakland (NFL’s Raiders and MLB’s A’s); MetLife Stadium in East Rutherford, New Jersey (NFL’s Giants and Jets); TD Garden in Boston (NBA’s Celtics and NHL’s Bruins); United Center in Chicago (NBA’s Bulls and NHL’s Blackhawks); American Airlines Center in Dallas (NBA’s Mavericks and NHL’s Stars); Pepsi Center in Denver (NBA’s Nuggets and NHL’s Avalanche); Madison Square Garden in New York City (NBA’s Knicks and NHL’s Rangers); Wells Fargo Center in Philadelphia (NBA’s 76ers and NHL’s Flyers); Air Canada Centre in Toronto (NBA’s Raptors and NHL’s Maple Leafs); Verizon Center in Washington, D.C., (NBA’s Wizards and NHL’s Capitals). See Parlow, *Equitable*, *supra* note 5.

10. See Parlow, *Publicly Financed*, *supra* note 4, at 488–92.

11. See *id.* at 486.

12. See *id.* at 492–96.

13. See Parlow, *Equitable*, *supra* note 5.

14. See Andrew Zimbalist & Roger G. Noll, *Sports, Jobs, & Taxes: Are New Stadiums Worth the Cost?*, BROOKINGS INSTITUTION (June 1, 1997), <https://www.brookings.edu/articles/sports-jobs-taxes-are-new-stadiums-worth-the-cost/>; see generally SPORTS, JOBS, AND TAXES: THE ECONOMIC IMPACT OF SPORTS TEAMS AND STADIUMS (Roger G. Noll & Andrew Zimbalist eds., 1997); John Siegfried & Andrew Zimbalist, *The Economics of Sports Facilities and Their Communities*, 14 J. ECON. PERSP. 95, 103, 110 (2000).

unique model and vision. That, hopefully, ends here. This article seeks to trace the history of how the Bradley Center came to be and contextualize its unique and special model in the scholarly landscape of new sports facility financing. To that end, Part II will provide an overview of how new sports arenas and stadiums have been financed in the past few decades. Part III will provide a history of the Bradley Center, including discussions of Mrs. Pettit, the need for a new arena in Milwaukee, the controversy surrounding the siting of the building, the expense and design of the building, and the creation of the unique corporation to oversee the Bradley Center. Part IV will conclude with an analysis of what makes the Bradley Center and, indeed, Mrs. Pettit, both unique and compelling.

II. TRADITIONAL FUNDING OF NEW SPORTS STADIUMS AND ARENAS

Starting in the 1990s, cities and states experienced a shift away from hosting sports facilities that were exclusively paid for and owned by either a private party/parties or a governmental entity.¹⁵ Instead, professional sports team owners began to demand at least some public financing to build a new sports arena or stadium.¹⁶ In fact, the average new sports facility—that was not entirely privately financed—received almost 70% of its construction costs through public financing.¹⁷ Seventy-eight of the ninety-three new sports facilities built since 1988—or that will be completed within the next few years—have received public financing.¹⁸ To provide such public financing, governmental entities—be they states, counties, cities, sports stadium districts, or the like—issue government bonds to pay for the construction of a new sports arena or stadium.¹⁹ To pay the debt service on these bonds, the governmental entities almost always raise new revenue through one or more of several taxing options: sales, tourism, user, and/or sin taxes.²⁰

These new taxes have become very controversial and have been met with great political and public resistance.²¹ This is due, in part, to economic

15. See Parlow, *Publicly Financed*, *supra* note 4, at 494.

16. See *id.* at 494–96.

17. See Parlow, *Equitable*, *supra* note 5.

18. See *id.*

19. See Logan E. Gans, *Take Me out to the Ballgame, But Should the Crowd's Taxes Pay for It?*, 29 VA. TAX REV. 751, 753–63 (2010) (giving an overview of tax-exempt bonds and stadium/arena construction).

20. See *id.* at 763–68.

21. Parlow, *Equitable*, *supra* note 5, at 91. See Don Walker, *Economic Promises Got It Built. Has It Paid? - The Team Is Successful, Miller Park May Draw 3 Million This Year, but Economists De-*

consultants providing unrealistic revenue growth and repayment projections for new sports facilities.²² Moreover, politicians have oversold the economic benefits of new sports arenas and stadiums and overestimated the projected tax revenue in order to lessen public concerns.²³ Finally, while there is a general anti-tax sentiment pervading political discourse today, these taxes are also so controversial because each is somewhat flawed in its approach and thus feels illegitimate to those paying them. A brief discussion of each is instructive.

Some governmental entities repay their bonds by adding a new sales tax or increasing an existing one.²⁴ The sales tax applies to taxable transactions—though sometimes exceptions are created—within the government’s boundaries.²⁵ For example, the public financing for Coors Field and Sports Authority Field at Mile High in Denver were paid for by a 0.1% increase in the sales tax on retail sales in the seven counties in the Denver metropolitan area.²⁶ However, there tends to be public opposition to sales taxes for a variety of reasons. Many residents feel that they do not benefit enough from the existence of the new sports facility sufficient to warrant the new or increased sales tax, particularly if they are not sports fans.²⁷ Moreover, sales taxes are regressive and disproportionately hurt the poor—a group less likely to be able to attend an event at a new sports arena or stadium.²⁸ Finally, revenue generated from sales taxes fluctuates with the economy, so when there is a downturn, the government must oftentimes extend the tax longer than originally determined because of less-than-expected revenues.²⁹

bate Whether the Community Is Benefiting, MILWAUKEE J. SENTINEL, Apr. 4, 2008, at A1 (noting that

Wisconsin State Senator George Petak became the first state official to be recalled by voters after casting the deciding vote to provide public financing for the construction of Miller Park).

22. See Ken Belson, *As Revenue Plunges, Stadium Boom Deepens Municipal Woes*, N.Y. TIMES, Dec. 25, 2009, at B8.

23. See Mark Yost, *The Business of Sport: The Price of Football That Even Nonfans Pay*, WALL STREET J., Feb. 3, 2011, at D6 (explaining how politicians use money from other funds to pay for stadium bond debt service when the yearly tax revenue fell short of projections).

24. See Gans, *supra* note 19, at 766.

25. See Parlow, *Equitable*, *supra* note 5, at 87.

26. *Football Stadium District Sales Tax Expired December 31, 2011*, ACCT. & TAX SOLUTIONS, INC. (Jan. 7, 2012), <https://www.acctaxsolutions.net/football-stadium-district-sales-tax-expired-december-31-2011/>.

27. See Andrew H. Goodman, Comment, *The Public Financing of Professional Sports Stadiums: Policy and Practice*, 9 SPORTS LAW J. 173, 194 (2002).

28. See Todd Senkiewicz, Comment, *Stadium and Arena Financing: Who Should Pay?*, 8 SETON HALL J. SPORT. L. 575, 585 (1998).

29. See Alex B. Porteshawver, Comment, *Green Sports Facilities: Why Adopting New Green-Building Policies Will Improve the Environment and the Community*, 20 MARQ. SPORTS L.

Tourist taxes are taxes on hotels, motels, and other places of lodging; rental cars; and other services aimed at those visiting from outside of the area.³⁰ For example, the public debt for Ford Field in Detroit was serviced by revenue raised through a 2% car rental tax and a 1% hotel room tax.³¹ While tourist taxes are perhaps the most popular—or at least politically palatable—revenue source to repay public debt on new sports facilities, they, too, meet public resistance.³² Because they usually require a higher percentage for a longer period of time than sales taxes, tourist taxes can hurt a region's tourism.³³ It is unsurprising, then, that in addition to public opposition, various businesses dependent on tourists also resist such a funding mechanism. In addition, like sales taxes, tourist taxes can fluctuate with the economy and thus sometimes fall short of projections—requiring an extension of the tax beyond the promised sunset period.³⁴

Several governmental entities have installed user taxes to help repay public debt on new sports arenas and stadiums. A user tax is a targeted tax that applies to those who use the sports facility through a ticket and/or parking tax or surcharge.³⁵ For example, Indianapolis uses a 1% ticket surcharge to help repay its debt on Lucas Oil Stadium.³⁶ However, because of federal tax law related to tax-exempt government bonds, user taxes are limited in their ability to raise enough money to repay most, if not all, public debt on new sports facilities.³⁷ In addition, professional sports teams tend to oppose user taxes because there is a finite amount that consumers will spend on sports tickets, and whatever portion of the cost of a ticket goes to a user tax, the less money the team makes off ticket sales. Finally, a less-common repayment option for public

REV. 241, 250 (2009).

30. See Senkiewicz, *supra* note 28, at 586–87.

31. See Karen Bouffard & Brad Heath, *Attorney General Reverses 'Tourist Tax' - Cox: Wayne County No Longer Can Collect from Firms That Run Taxis, Busses and Limos*, DETROIT NEWS, Feb. 8, 2005, at 3B.

32. See Parlow, *Equitable*, *supra* note 5, at 92.

33. See Garrett Johnson, *The Economic Impact of New Stadiums and Arenas on Cities*, 10 U. DENV. SPORTS & ENT. L.J. 3, 14–15 (2011).

34. See Parlow, *Equitable*, *supra* note 5, at 92.

35. See Brent Bordson, Comment, *Public Sports Stadium Funding: Communities Being Held Hostage by Professional Sports Team Owners*, 21 HAMLINE L. REV. 505, 520 (1998).

36. See Judd Zulgad, *Colts Show Vikings How to Get a Stadium*, STAR TRIB., Sept. 15, 2008, at 1B.

37. See Gregory W. Fox, Note, *Public Finance and the West Side Stadium: The Future of Stadium Subsidies in New York*, 71 BROOK. L. REV. 477, 484–85 (2005) (explaining the ten percent test for tax-exempt bonds under the Tax Reform Act of 1986).

debt is a sin tax. These are “special excise taxes on goods that the government wants to discourage, such as alcohol and tobacco products.”³⁸ The most prominent

example of a sin tax is in Cuyahoga County, Ohio, where there is a sin tax on beer, wine, hard alcohol, and cigarettes to pay the debt service on the Cleveland Browns Stadium, Progressive Field, and Quicken Loans Arena.³⁹ While some favor sin taxes because of feelings of moral correctness, others oppose them because they target products and behavior that do not have a clear connection to stadium/arena use.⁴⁰

In these regards, the various ways in which governmental entities repay public debt on new sports facilities are politically unpopular and thus increasingly difficult to effect. However, even those new sports facilities that are heralded as entirely privately financed are also not immune from criticism and public opposition. This is due to the fact that the owners of these new sports arenas and stadiums oftentimes receive other forms of public subsidies. These include the transfer of valuable government-owned land to the owner for little or no cost, as well as millions of dollars in public infrastructure improvements to service the new sports facility.⁴¹ In addition, owners of these privately-financed stadiums and arenas often contemplate significant development around the new sports facility and receive favorable development approvals and incentives to help bolster their return on investment.⁴² Moreover, not all new privately-financed arenas have gone well. For example, the

38. Parlow, *Equitable*, *supra* note 5, at 88.

39. See Joan Mazzolini, “Sin Tax” Has More than Paid Its Fair Share, CLEVELAND PLAIN DEALER, Aug. 28, 2005, at B1.

40. See Goodman, *supra* note 27, at 196.

41. See Nat’l Sports Law Inst., Marquette Univ. Law Sch., *National Football League*, 14 SPORTS FACILITY REP. app. 3, at 5 (2013), <https://law.marquette.edu/assets/sports-law/pdf/nfl-2013.pdf> (noting that the City of Charlotte provided \$50 million worth of land donation and \$10 million of infrastructure improvement to help build the Bank of America Stadium); see also Nat’l Sports Law Inst., Marquette Univ. Law Sch., *National Basketball Association*, 14 SPORTS FACILITY REP. app. 2, at 3 (2013), <https://law.marquette.edu/assets/sports-law/pdf/nba-2013.pdf>.

42. See *History*, AIR CANADA CENTRE, <http://www.theaircanadacentre.com/about/History.asp> (last visited May 15, 2017) (discussing the development around the arena); see also PATRIOT PLACE, <http://www.patriot-place.com> (last visited May 15, 2017) (evidence of the significant development undertaken by New England Patriots owner Robert Kraft around Gillette Field); see also Mike Hager, *Vancouver City Council Approves Aquilini’s Three New Highrise Towers Beside Rogers Arena*, VANCOUVER SUN (July 20, 2012), http://www.vancouversun.com/business/productiveconversations/Vancouver+city+council+approves+Aquilini+three+highrise+towers+beside+Rogers+Arena/6961948/story.html?__federated=1 (describing the three new high-rise towers that the owners of the Rogers Arena will build next to the stadium).

Franklin County Sports Authority in Ohio was forced to buy the Nationwide Arena in Columbus, Ohio—an arena that was entirely privately-financed—because the owners were unable to afford it, and there was a fear that the Columbus Blue Jackets of the National Hockey League would relocate from the area.⁴³

In all of these regards, the twenty-six years since the opening of the Bradley Center have seen great controversy and significant amounts of public dollars spent on building new sports facilities that have been owned by private owners. Much scholarly attention has focused on this phenomenon, oftentimes with great criticism. However, curiously missing from this scholarly discussion has been the lone exception to the ninety-two other new sports facilities that have been built since 1988: Mrs. Pettit's gift of the Bradley Center to the Milwaukee and Wisconsin communities.

III. THE REMARKABLE STORY OF THE BRADLEY CENTER

A. Jane Bradley Pettit

To better understand the uniqueness of the Bradley Center, one must first get a sense of the benefactress. Jane Bradley Pettit may have been Milwaukee's most generous and extraordinary philanthropist.⁴⁴ Indeed, in 1999, *Worth*

Magazine ranked Mrs. Pettit as the 27th most generous American.⁴⁵ Both individually and through her foundation, Mrs. Pettit donated more than \$250 million to the Milwaukee area.⁴⁶ However, this figure does not account for the unknown amounts of anonymous gifts that Mrs. Pettit gave to various projects and organizations.⁴⁷ Mrs. Pettit focused her philanthropy on “initiat[ing] and sustain[ing] projects that promote[d] the welfare of families and children, the

43. Doug Caruso, *Taxpayers Now Own Nationwide Arena*, COLUMBUS DISPATCH (Mar. 30, 2012), <http://www.dispatch.com/bluejacketsextra/content/stories/2012/03/30/taxpayers-now-own-nationwide-arena.html>.

44. See Pete Millard & Julie Sneider, *Jane Pettit Was Philanthropist Beyond Compare*, MILWAUKEE BUS. J. (Sept. 16, 2001), <http://www.bizjournals.com/milwaukee/stories/2001/09/17/story6.html?page=all>.

45. Van de Kamp Nohl, *supra* note 2, at 48.

46. *Philanthropist Jane Pettit Dies*, CJONLINE, (Sept. 12, 2001), http://cjonline.com/stories/091201/usw_pettit.shtml. Mrs. Pettit's foundation, the Jane Bradley Pettit Foundation, is still in existence and continues to make contributions to various Milwaukee non-profit organizations. See *Welcome*, JANE BRADLEY PETTIT FOUND., <http://www.jbpf.org/index.html> (last visited May 15, 2017).

47. See Millard & Sneider, *supra* note 44.

elderly and disadvantaged people in Milwaukee.”⁴⁸

Mrs. Pettit was born Margaret Jane Sullivan in 1918 to Dwight Sullivan and Margaret “Peg” Blakney, who later divorced in 1926.⁴⁹ That year, when Mrs. Pettit was seven years old, her mother married Harry Bradley.⁵⁰ Bradley adopted Mrs. Pettit and changed her name to Jane Bradley.⁵¹ Bradley was the co-founder of the Allen-Bradley Company, which sold in 1985 for \$1.65 billion—more than any other privately-held corporation.⁵² Mrs. Pettit was a beneficiary to the sale of the Allen-Bradley Company.⁵³ Soon after the sale of the company, Mrs. Pettit and her husband, Lloyd Pettit, announced their intention to build a new sports and entertainment facility for the Milwaukee community.⁵⁴ Mrs. Pettit chose to name the building the Bradley Center in honor of her father.⁵⁵

B. The Birth of the Idea for a New Arena

The context for how the Bradley Center came to fruition was far more nuanced than the mere sale of the Allen-Bradley Company. There was a need for a new arena driven, in large part, by the problems with the arena in which the Milwaukee Bucks played, the Milwaukee Exposition, Convention Center and Arena (MECCA). The seating capacity for the existing basketball arena, the MECCA, was only 11,052—the lowest capacity for any NBA arena.⁵⁶ Due in large part to the inadequacy of the revenues produced by the MECCA for the Bucks, on February 5, 1985, owner James Fitzgerald announced that he was putting the team up for sale.⁵⁷ Business executive (and later United States Senator) Herb Kohl decided to step in and buy the Bucks for \$18 million with

48. *Letter from the Board*, JANE BRADLEY PETTIT FOUND., <http://www.jbpf.org/letter/index.html> (last visited May 15, 2017).

49. See Van de Kamp Nohl, *supra* note 2, at 52.

50. *Id.*

51. *Id.*

52. Fran Bauer, *Arena Could Open in '86: Pettits Say New Center Will Be at Stadium, Not Downtown*, MILWAUKEE J., Mar. 6, 1985, pt. 1, at 1 [hereinafter Bauer, *Arena Could Open*]. Van de Kamp Nohl, *supra* note 2, at 51.

53. See Van de Kamp Nohl, *supra* note 2, at 51.

54. See Bauer, *Arena Could Open*, *supra* note 52, at 1.

55. Van de Kamp Nohl, *supra* note 2, at 46.

56. See Fran Bauer, *MECCA Seeks Opinion on Bradley Center Role*, MILWAUKEE J., Sept. 29, 1988, at 1B, 5B; Bauer, *Arena Could Open*, *supra* note 52, at 9.

57. See Fran Bauer, *Advisers Say Auditorium Is Best Site for New Arena*, MILWAUKEE J., Mar. 5, 1985, pt. 1, at 1A, 6A [hereinafter Bauer, *Advisers Favor Auditorium*].

the hope of keeping the team in Milwaukee.⁵⁸ To help effect this goal, Kohl stated that the team “would have to be playing in a new arena within three years to continue to operate at a profit.”⁵⁹ This factor certainly played some part in the Pettits’ decision to build the Bradley Center, as they emphasized the importance of keeping the Bucks in Milwaukee when announcing the gift.⁶⁰ However, the main driving force behind Mrs. Pettit’s generosity was to provide the Milwaukee community with a premier sports and entertainment facility in the memory of her father, Harry Bradley.⁶¹

Given the inadequacy of the MECCA, it was unsurprising that others considered building a new arena in Milwaukee. One Southern California-based group, Gardens Partnership, sought to purchase the Bucks and build and operate a new arena in which the team could play.⁶² The California group lost out on the bidding to Kohl, and though the group was still interested in building a new arena—through the use of industrial revenue bonds—the Pettits were able to accomplish this sooner given their extraordinary gift.⁶³ Interestingly, Allan Durkovic, the managing partner of the Gardens Partnership, identified two areas that would be challenging for whomever built the new arena: choosing a location and the amount of political infighting in Milwaukee.⁶⁴ Durkovic proved to be prophetic, as both became significant headaches for the Pettits, as described further below in Part III.C.

Surprisingly—perhaps even incredibly—the announcement of the Pettits to build the Bradley Center was met with mixed reactions. While many in the community lauded the Pettits’ generosity, some questioned whether the real motivation behind the gift was that the donation would be considered charitable and thus qualify for a tax deduction.⁶⁵ This reaction is a bit mystifying as it ignores the reality that if that were the Pettits’ interest, they could have donated the same amount of money to another non-profit organization to gain the same tax benefit. Nevertheless, the Pettits’ attorney, Joseph E. Tierney, Jr., assured the public that the gift was not motivated by any potential tax break

58. See *Sale of Bucks Began Long Debate*, *supra* note 2, at 12.

59. See Bauer, *Advisers Favor Auditorium*, *supra* note 57, at 1.

60. See Bauer, *Arena Could Open*, *supra* note 52, at 9. In fact, Lloyd Pettit indicated that they would have purchased the team if no other local owner could be found. *See id.*

61. Amy Rinard, *Honoring Bradley with a Building for All to Enjoy*, MILWAUKEE SENTINEL, Sept. 29, 1988, at 7.

62. Fran Bauer, *Californians Want to Build Arena Here*, MILWAUKEE J., Mar. 3, 1985, pt. 2, at 1.

63. *See id.*

64. *See id.*

65. See Ray Kenney, *Then There Are Tax Breaks . . .*, MILWAUKEE J., Mar. 6, 1985, pt. 1, at 8.

but that “[i]t came from the heart, not the head.”⁶⁶ Others remarkably suggested that the Pettits should use their money in other ways. For example, Milwaukee County Executive William O’Donnell urged the Pettits to consider placing the money for the arena into a trust fund that could be used to keep the Milwaukee Brewers and the Bucks in Milwaukee.⁶⁷ O’Donnell proposed that the City of Milwaukee build a new arena instead, but the Pettits politely declined the suggestion.⁶⁸ These odd initial contrary reactions set the stage for what was to be the biggest hurdle to building the Bradley Center: its location.

C. Siting the New Building

1. County Stadium Site

When the Pettits announced their gift to construct the Bradley Center on March 5, 1985, they were adamant that it be built near County Stadium, the home of the Milwaukee Brewers, in the Menomonee Valley just southwest of downtown Milwaukee.⁶⁹ The Pettits wanted this site because it was centrally located, had existing parking, and the City of Milwaukee could provide the land for the building.⁷⁰ Most importantly to the Pettits, the location allowed for construction of the Bradley Center to commence immediately.⁷¹ The Pettits hoped to have the arena built by July 31, 1987, in order to accommodate the timeline for the Bucks.⁷² Ironically, the Pettits also believed that selecting the site near County Stadium would help avoid the “political quagmire” and “bickering” that would ultimately ensnare the project.⁷³

There was healthy support for the County Stadium site after the Pettits’ announcement. Milwaukee County Executive O’Donnell supported the site, suggesting that the land could be leased for ninety-nine years for \$1 and that the lost parking—approximately 1,000 to 1,500 spaces—could be replaced by

66. *Id.*

67. Alan J. Borsuk & Carolina Garcia, *Pettits Say ‘No Thanks’ to O’Donnell’s Arena Plan*, MILWAUKEE J., Nov. 25, 1985, pt. 1, at 1.

68. *See id.*

69. *See Arena News Was at Center Arena*, *supra* note 1.

70. Bauer, *Arena Could Open*, *supra* note 52.

71. *Id.*

72. *See* Alan Borsuk, *Odd Thing Happened on Way to New Arena*, MILWAUKEE J., Oct. 4, 1985, pt. 2, at 1.

73. *See* Bauer, *Arena Could Open*, *supra* note 52, at 1.

purchasing additional land.⁷⁴ Residents and business owners also supported building the new arena by County Stadium—in the hopes that the Bradley Center would spur other development and thus increase property values and business activity in the area.⁷⁵ The general public also seemed supportive of the proposed location. Sixty-one percent of those surveyed after the Pettits' announcement favored the County Stadium location for the new arena.⁷⁶ In particular, those surveyed identified particular factors that influenced their support: no need to relocate existing buildings, existing parking, freeway access, personal safety, proximity to their homes, potential economic development for the area, and access to other facilities.⁷⁷

However, this initial burst of support eroded as influential members of the Milwaukee community spoke out publicly against the County Stadium location.⁷⁸ Two opponents of the County Stadium site stood out the most: Milwaukee Mayor Henry Maier.⁷⁹ and the Milwaukee Brewers.⁸⁰ Mayor Maier preferred to expand the MECCA instead of building a new arena.⁸¹ In the alternative, he wanted the Bradley Center to be built downtown, stating “[i]f we’re going to have a nighttime Downtown, which I think is significant to the kind of thriving metropolitan area that we are, we need the arena, we need the activity, we need the Bucks Downtown.”⁸²

The Brewers' opposition to the County Stadium site seemed to sway the Pettits. Then-owner of the Milwaukee Brewers, Bud Selig—who would later become Commissioner of Major League Baseball—expressed concerns that building the Bradley Center near County Stadium would impair parking, decrease attendance, and disrupt the stadium's operations during construc-

74. *County Says It'll Replace Lost Parking*, MILWAUKEE J., Mar. 6, 1985, pt. 2, at 1; *Arena News Was at Center Arena*, *supra* note 1, at 4B.

75. *See* Don Behm, *Stadium Neighbors See a Bright Future*, MILWAUKEE J., Mar. 7, 1985, pt. 2, at 1.

76. Gary C. Rummler, *Most Like Stadium Site*, MILWAUKEE J., Oct. 6, 1985, pt. 1, at 12.

77. *Id.* (“For those who wanted a Stadium site, the reasons ranked in this order: parking 78%, freeway access 76%, personal safety 44%, closeness to their home 37%, economic development of the area where the arena would be built 31%, and access to other facilities 18%.”) *Id.*

78. The City of Milwaukee Common Council may have had a sense of this, as it passed a resolution on October 23, 1985, which both thanks the Pettits for their donation to build a new arena and encouraged siting the Bradley Center downtown if the County Stadium location did not work. *See* City of Milwaukee Common Council, Res. 85-1224 (Wis. 1985) (on file with author).

79. *See* Mark Ward, *Maier Details City's Plan for Bradley Center*, MILWAUKEE J., Oct. 6, 1985, pt. 1, at 1.

80. *See What Next for Bradley Center?*, MILWAUKEE J., Nov. 20, 1985, pt. 1, at 14.

81. Bauer, *Advisers Favor Auditorium*, *supra* note 57.

82. *Maier s 'Satisfied' with 3 Leading Sites*, MILWAUKEE J., Nov. 20, 1985, pt. 1, at 12.

tion.⁸³ The Brewers asserted that 5,700 parking spots would be needed in addition to the 1,500 spots that were already being proposed.⁸⁴ The Brewers also worried about traffic congestion that would arise if County Stadium and the Bradley Center hosted events at the same time.⁸⁵ Milwaukee County attempted to alleviate the Brewers' concerns with a report that proposed a plan that would allow both facilities to coexist.⁸⁶ The report explained how the parking needs could be met by the County purchasing or leasing land near the stadium, additional parking being provided by State Fair Park, and the county building additional parking structures.⁸⁷ Milwaukee County's report also addressed traffic congestion by proposing a new freeway off-ramp, a radio alert system to help drivers with stadium/arena traffic, and collaboration between the two facilities to minimize scheduling conflicts.⁸⁸

Despite the County's efforts to address and alleviate concerns regarding the proposed site, the Brewers remained opposed to the new arena being built near County Stadium. In fact, the Brewers claimed that siting the Bradley Center there could be the "last straw" that could eventually force the Brewers to relocate from Milwaukee.⁸⁹ Marquette University also joined the Brewers in their opposition because it wanted to host its men's basketball games downtown.⁹⁰ After hearing about such opposition—in particular, the Brewers' stance—the Pettits decided to find a different site for the new arena.⁹¹

2. Other Possibilities

With the Pettits' willingness to build the Bradley Center elsewhere, a task force was formed to study other possible locations.⁹² Several groups and

83. *What Next for Bradley Center?*, *supra* note 80.

84. Fran Bauer & Lawrence C. Lohmann, *Brewers Question County Report*, MILWAUKEE J., Nov. 19, 1985, pt. 2, at 1.

85. *See id.*

86. *See* Tom Ahern, *Brewers, Worried by Arena, Study Building Stadium*, MILWAUKEE SENTINEL, Nov. 19, 1985, pt. 1, at 1.

87. *Id.*

88. *Id.*

89. *What Next for Bradley Center?*, *supra* note 80.

90. *See* Larry Sandler et al., *Businesses on Third St. Fight Arena*, MILWAUKEE SENTINEL, Oct. 4, 1985, pt. 1, at 15.

91. *See* Gerald Kloss, *Bradley Center Site Still up in Air*, MILWAUKEE J., Nov. 23, 1985, at 4B.

92. *See* Fran Bauer, *2 Suburbs Eager to Get New Arena*, MILWAUKEE J., Nov. 27, 1985, pt. 2, at 1

localities lobbied the task force for consideration of their preferred site. Indeed, some suburban residents were excited about the possibility of building the new arena outside of the City of Milwaukee.⁹³ One suburb, the City of West Allis, suggested two possible locations within its boundaries for the Bradley Center: State Fair Park and land owned by the Allis-Chalmers Company.⁹⁴ The City of West Allis thought that State Fair Park was a compelling site because of its close proximity to downtown Milwaukee, and because the Olympic Ice Rink⁹⁵ and a proposed new hotel would complement the addition of the Bradley Center.⁹⁶ The City of West Allis also believed that the Allis-Chalmers site was attractive because a private corporation owned the land—a factor that many believed could help speed up the process.⁹⁷

The Historic Third Ward Association—a group of ninety property owners in the Third Ward—proposed that the Bradley Center be sited just west of the Summerfest Grounds in the Third Ward.⁹⁸ Milwaukee County Executive O'Donnell opposed this site because the area in question was typically “used as [the] staging area for the Circus Parade.”⁹⁹ Milwaukee Mayor Maier also weighed in with a proposed lakefront site for the Bradley Center.¹⁰⁰ The mayor favored the idea because the site was comprised of 7.4 acres and had ample county-owned land that could be used for parking in the area.¹⁰¹ Environmentalists vehemently opposed the lakefront site.¹⁰² Even Milwaukee County Executive O'Donnell seemed unimpressed with the proposal: “[P]eople ‘have spent a lifetime trying to keep things off the lakefront so people could use it.’”¹⁰³ Other elected officials also opposed this proposed site.¹⁰⁴

[hereinafter Bauer, *Suburbs Extend Welcome*].

93. *See id.*

94. *See id.*

95. It is worth noting that Mrs. Pettit's philanthropic generosity enable the City of West Allis—and the Milwaukee region more generally—to secure an Olympic training facility when she donated approximately \$9 million to construct the Pettit National Ice Center. Millard & Sneider, *supra* note 44.

96. Bauer, *Suburbs Extend Welcome*, *supra* note 92.

97. *See id.*

98. *See id.*

99. Thomas Collins & Bruce Gill, *Maier Says He'd Fight for Lakefront Arena Site*, MILWAUKEE SENTINEL, Dec. 13, 1985, pt. 1, at 5.

100. *See id.*

101. *See id.*

102. *Id.*

103. *Id.* (noting that O'Donnell would not reveal whether he was opposed to the site or not).

104. *Id.* (detailing the opposition of Senator Barbara Ulichny and Representative Barbara Notestein).

Finally, a unique proposal surfaced to demolish the MECCA and build the Bradley Center on that site.¹⁰⁵ Those advocating for this proposal claimed that this approach was the least expensive way to build a new arena downtown with an estimated cost of \$31 million.¹⁰⁶ While the task force gave varying degrees of consideration to these and other proposals, none of them were ultimately selected.

3. Site Resolution

After this community deliberation, in December of 1985, the Pettits agreed to build the Bradley Center downtown, and the site was selected: near the Journal Company's parking lots near North 5th Street and West State Street.¹⁰⁷ In conjunction with this announcement, the Milwaukee Common Council also passed a resolution directing city officials to enter into a contract with Bradley Center officials.¹⁰⁸ The contract was to include various terms, including the site of the Bradley Center, the City of Milwaukee's obligations to purchase the property and clear existing structures on it, close certain streets during construction of the building, and purchase land and build a new parking structure to service the Bradley Center.¹⁰⁹

Many people in Milwaukee recognized this location as "the quickest way to complete a new sports complex."¹¹⁰ There were several compelling characteristics about the site that influenced this decision: close proximity to the MECCA (which many saw as a benefit so that the two entities could coordinate schedules), easy freeway access, and minimal demolition costs.¹¹¹ To

105. See Bauer, *Advisers Favor Auditorium*, *supra* note 57.

106. *Id.*

107. See *Finally, a Fine Bradley Center Site*, MILWAUKEE J., Dec. 24, 1985, pt. 1, at 6. See also City of Milwaukee Common Council, Res. 85-1661 (Wis. 1986) (stating that the Redevelopment Authority designated this site for the Bradley Center and that the Common Council approved the chosen site) (on file with author).

108. City of Milwaukee Common Council, Res. 85-1224-b (Wis. 1985).

109. *See id.*

110. Bauer, *Advisers Favor Auditorium*, *supra* note 57. Interestingly, this site was not originally considered in March of 1985 because of Mayor Meier's reluctance to work with the Journal Company. Fran Bauer, *Banker's Efforts Helped Nail down Bradley Site*, MILWAUKEE J., Dec. 24, 1985, pt. 1, at 1. Some attributed Mayor Meier's reticence to his dissatisfaction with how the Journal Company reported the news. *Id.* John H. Kelly—a prominent businessman and political insider—was credited with helping select this site because of his negotiations with property owners, city officials, and the MECCA board. *See id.*

111. *Finally, a Fine Bradley Center Site*, *supra* note 107.

be sure, there were some logistical hurdles before construction of the Bradley Center could commence. For example, the City of Milwaukee had to relocate several businesses and organizations from in and around the site.¹¹² In addition, the City needed to provide temporary parking for the Journal Company's employees while they built a new parking structure for them.¹¹³ This activity took some time, but in October 1986, ground was broken for construction of the Bradley Center.¹¹⁴

D. The Bradley Center Expenses

1. The Design of the Building and the Rising Construction Cost for the Pettits

The original cost estimate for the Bradley Center was \$35 million,¹¹⁵ and the Pettits initially agreed to pay between \$30 and \$40 million to construct the new building.¹¹⁶ This range reflected comparable prices of arenas built elsewhere in the United States.¹¹⁷ However, after speaking with architects, the Pettits revised their contribution number to \$53 million, as their goal was to build one of the best arenas in the country.¹¹⁸ Indeed, the cost of the Bradley Center ultimately reached approximately \$90 million in achieving this goal, and Mrs. Pettit agreed to pay for the entire amount, despite an initial expectation of a cost nearly one-third of this amount.¹¹⁹

Part of the increase in cost was due to the Pettits' insistence that only high-quality materials be used to construct the Bradley Center so that it would "offer more conveniences than those to which the public is accustomed in large arenas."¹²⁰ One of the unique features, at the time, was the separate con-

112. See *Pieces that Still Must Fit into Place Before Building the Bradley Center*, MILWAUKEE J., May 21, 1986, pt. 1, at 12.

113. *Id.*

114. See *Arena Highlights*, BMO HARRIS BRADLEY CTR. <http://www.bmoharrisbradleycenter.com/arena-info/arena-highlights> (last visited May 15, 2017).

115. Bauer, *Advisers Favor Auditorium*, *supra* note 57.

116. See Fran Bauer, *Arena to Cost Pettits \$53 Million*, MILWAUKEE J., May 21, 1986, pt. 1, at 1A [hereinafter Bauer, *Arena to Cost*].

117. *Id.*

118. *Id.*

119. See Van de Kamp Nohl, *supra* note 2.

120. See Mark Ward, *Mammoth Undertaking: Bradley Center an Impressive Engineering Feat*, MILWAUKEE J., Nov. 30, 1986, at pt. 1, at 1 [hereinafter Ward, *Mammoth Undertaking*]. See also Crocker Stephenson, *Pettits' Demand for Quality Led to \$18 Million Overrun*, MILWAUKEE SENTINEL, Oct. 3, 1988, at 1A (noting that the special lighting system, stainless steel hand railings, the amount of granite, and the number of escalators, among other features, all contributed to the increase in

courses on three different levels—each of which included its own concession stands and restrooms.¹²¹ This compared to an arena in Kansas City that was criticized for having only one concourse with just two women’s restrooms and four men’s restrooms.¹²² To avoid a similar problem, the architects planned to have sixteen restrooms—eight men’s restrooms and eight women’s restrooms—spread throughout the different concourses and separate restrooms for each individual suite.¹²³ The extensive use of granite—both internally and for the external facing of the building—and the estimated 55,000 square feet of glass for construction of the grand atriums near the entrances of the arena helped distinguish the Bradley Center from other arenas, and furthered its high-quality image.¹²⁴

The design of the Bradley Center’s roof was also a focal point that its architects believed would make it superior to other arenas.¹²⁵ The architects rejected a dome-style roof in favor of a pitched roof with an octagonal profile.¹²⁶ They believed that the pitched roof would help the building serve as an icon and landmark, as the roof was estimated to “[s]oar[] yet another eight stories above the five-story street façade.”¹²⁷ The pitched roof was also designed to “improve ventilation and [thus] make the arena . . . less smoky.”¹²⁸ Another unique design of the Bradley Center was the intentional layout of the interior of the building to reduce foot traffic problems in the main lobby.¹²⁹ This goal was effected by the inclusion of sixteen escalators and various stairways going in different directions to ensure that all foot traffic was not going in the same direction at the same time.¹³⁰ In addition, the architects designed the concourses to be wide enough to keep foot traffic separated from those people waiting for con-

construction costs). *See also Bradley Center Facts and Figures*, MILWAUKEE J., Nov. 30, 1986, at 1A (detailing that more than three miles worth of hand railings were used for the building).

121. Ward, *supra* note 120.

122. *Id.*

123. *Id.*

124. *Id.*

125. *See* Rick Romell, ‘Quiet’ Newcomer Is Something to Shout About, MILWAUKEE SENTINEL, Sept. 29, 1988, at 10.

126. Ward, *supra* note 120.

127. *Id.*

128. *Id.* The roof was also made of copper, which made it more durable.

129. Jay Joslyn, *Colossal Bradley Center Retains Personal Quality*, MILWAUKEE SENTINEL, Oct. 3, 1988, pt. 1, at 10.

130. *See id.*

cessions so as to keep the flow of traffic moving.¹³¹

Finally, the architects designed the Bradley Center to address the deficiencies identified with the MECCA, in particular the lack of seating. Accordingly, the Bradley Center expanded seating capacity to accommodate 17,600 patrons for hockey; 18,400 for basketball; and 20,000 for concerts.¹³² Consistent with their desire to use high-quality materials for the building, the Pettits chose to purchase upholstered seats to make them more comfortable, instead of the standard plastic seats.¹³³ In these various ways, the Bradley Center's design seemed to accomplish the goal to which the Pettits and architects aspired: to make the arena "second to none in the nation."¹³⁴

2. Some (Limited) Public Contribution to the Project and How to Repay It

While the Pettits' contribution paid for the building itself, there were other costs associated with the larger Bradley Center project. The City of Milwaukee had to pay for acquisition of some land, demolition of existing buildings, and the relocation of several businesses and organizations on the site.¹³⁵ For example, the City had to buy, demolish, and/or relocate the Milwaukee Rescue Mission, Mint Bar, Standard Electric Supply Company, a McDonald's restaurant, and a Church's Fried Chicken restaurant.¹³⁶ The City also had to build a new parking structure that would hold between 2,300 and 2,450 cars

131. *Id.*

132. *See* Stephenson, *supra* note 120.

133. *Id.* Interestingly, one feature of the design plan that was rejected was a skywalk that would have connected the Bradley Center with the MECCA and a parking garage. *See* Ward, *supra* note 120. The City of Milwaukee's indecision on where to place the parking garage—to which the skywalk would connect—led to the skywalk not being built. *See* Fran Bauer, *Bradley Center Design Unveiled: Glass Entryway, Escalators, Skywalks to Enhance Tall New Arena*, MILWAUKEE J., Jan. 12, 1986, pt. 1, at 1. Bradley Center architect Chris Carver stated at the time, "[w]e have provided the ability to add a skywalk in the future, but it doesn't make a lot of sense . . ." Ward, *supra* note 120.

134. Ward, *supra* note 120.

135. *See Pieces that Still Must Fit into Place Before Building the Bradley Center*, *supra* note 112. The City required the Redevelopment Authority to submit a redevelopment plan for the site, which the Common Council approved. City of Milwaukee Common Council, Res. 85-1661-a (Wis. 1986) (on file with author). The Common Council approved an amendment to the redevelopment plan almost a year later. *See* City of Milwaukee Common Council, Res. 85-1661-e (Wis. 1986) (on file with author).

136. *Pieces that Still Must Fit into Place Before Building the Bradley Center*, *supra* note 112. The City required the Redevelopment Authority to submit a relocation plan for any businesses or non-profit organizations that needed to be relocated because of the Bradley Center project. City of Milwaukee Common Council, Res. 85-1661-b (Wis. 1986) (on file with author). The Common Council approved these plans. *See id.*

for the new influx of people into the area.¹³⁷ All of these various tasks cost the City \$9.9 million, which the City paid for through loans and money from a contingency fund.¹³⁸

Repayment of this amount became a hotly-contested issue and several options were explored. One option was for the City to take out revenue bonds that would be repaid from revenue earned from the parking structures.¹³⁹ Another proposal contemplated a 1% tax on food and beverages purchased in Milwaukee—excluding grocery stores—to repay the debt.¹⁴⁰ This proposal was modeled off of other cities’ experiences—Indianapolis, Kansas City, New Orleans, and St. Petersburg—and was calculated to raise approximately \$4.5 million per year initially.¹⁴¹ Milwaukee Common Council President John Kalwitz offered an alternative suggestion of raising the “hotel-motel” tax—what we call a tourist tax today—from 6% to 8% or 10%.¹⁴² Another proposal was for the City to increase parking fees above the amount needed to cover the costs of constructing the parking structures to pay for the additional land acquisition, demolition, and relocation costs.¹⁴³

None of these proposals gained traction, so the conversation migrated to a ticket tax. The Milwaukee Common Council introduced a bill that would assess a 5% tax on all tickets sold for events at the Bradley Center.¹⁴⁴ The Common Council believed that the ticket tax was the appropriate vehicle for repaying the \$9.9 million investment because it would only affect those who

137. See *Pieces that Still Must Fit into Place Before Building the Bradley Center*, *supra* note 112.

138. Bauer, *Arena to Cost*, *supra* note 116; See Bruce Gill, *Kalwitz Wants Options on Bradley Center Costs*, MILWAUKEE SENTINEL, May 24, 1986, pt. 1, at 5. \$9.4 million of the total came from loans, while \$500,000 was taken from a contingency fund. *Id.* See also City of Milwaukee Common Council, Res. 85-1649 (Wis. 1985) (authorizing the City to issue \$3.9 million in promissory notes in order to “provid[e] financial assistance to blight elimination, slum clearance, community development and urban renewal programs.”) (on file with author); City of Milwaukee Common Council, Res. 85-1649-b (Wis. 1986) (expanding the qualifying activity description to include “funding the Redevelopment Authority’s redevelopment activities in the North 5th Street/West State Street (Bradley Center) Project,” including “planning, engineering, property acquisition, relocation, site clearance, public improvements, parking, and sidewalk related costs.”) (on file with author); City of Milwaukee Common Council, Res. 85-1651 (Wis. 1985) (appropriating \$500,000 of the \$3.9 million specifically to Bradley Center activities such as property acquisition, demolition and relocation services, parking, and other public improvements).

139. See Bauer, *Arena to Cost*, *supra* note 116.

140. Bauer, *Advisers Favor Auditorium*, *supra* note 57.

141. *Id.*

142. Gill, *supra* note 138.

143. See *Bradley Center Needn’t Hurt Taxpayers*, MILWAUKEE J., May 22, 1986, pt. 1, at 18.

144. Bruce Gill, *Bradley Center Urges Rejection of Ticket Tax*, MILWAUKEE SENTINEL, June 3, 1987, pt. 1, at 16.

could afford the price of a ticket, whereas a general sales tax increase would not differentiate between purchasers—a common concern regarding blanket (and regressive) taxes.¹⁴⁵ Democrats in the Wisconsin State Assembly similarly favored this approach, while other government officials opposed the idea.¹⁴⁶ In fact, many officials believed that the proposed ticket tax “violate[d] the spirit of the agreement that brought the Bradley Center downtown.”¹⁴⁷ In reaching an agreement with the Pettits to locate the Bradley Center downtown, the City of Milwaukee promised that it would “exempt the [facility] from real estate and personal property taxes ‘and/or payments in lieu of such taxes.’”¹⁴⁸ Joseph E. Tierney, Jr., the Pettits’ attorney, stated that he believed the proposed ticket tax was in violation of that agreement because it would serve as “a tax in lieu of real estate and personal property taxes.”¹⁴⁹ Others, such as Representative Barbara Notestein, disagreed with the position that the proposed ticket tax violated the agreement with the Pettits because the tax was on individuals, not the Bradley Center itself.¹⁵⁰ Proponents of the proposed ticket tax inserted a provision in the state budget that would have permitted the City to assess such a ticket tax on tickets for events at the Bradley Center, but not other facilities.¹⁵¹ Governor Tommy Thompson vetoed the proposed ticket tax from the state budget, saying that it was inappropriate for a proposed ticket tax to be placed in the state budget and that, even if it were appropriate, the tax itself was flawed because it applied only to the Bradley Center and no other facilities in Milwaukee.¹⁵²

Given the failure of the proposed ticket tax and lack of other viable options, the City of Milwaukee chose to repay its \$9.9 million investment through a property tax increase.¹⁵³ The average City resident with a home val-

145. See *Surcharge on Tickets Is Worth Further Study*, MILWAUKEE SENTINEL, Oct. 11, 1986, pt. 1, at 10.

146. See *id.*; Bill Hurley, *Ticket Tax Endorsed for Bradley Center*, MILWAUKEE SENTINEL, June 24, 1987, pt. 1, at 1 (explaining that Representative Dismas Becker noted that some city officials opposed a ticket tax and had even contemplated ticket taxes only for Marquette University students attending their school’s events at the Bradley Center).

147. Gill, *supra* note 144.

148. *Id.*

149. *Id.*

150. *Id.*

151. See *id.*

152. Dave Hendrickson, *Ticket Tax Veto Leaves City Officials Fuming*, MILWAUKEE J., Sept. 15, 1987, at 5B.

153. Bruce Gill, *5 Invited to Talk on Arena Financing*, MILWAUKEE SENTINEL, June 23, 1986, pt.

ued at \$50,000 or more would have to pay roughly \$6.26 more per year in property taxes for a ten-year period.¹⁵⁴ Milwaukee Alderman Wayne Frank was a vocal opponent of the property tax solution, saying “[e]verybody should be fighting for our fair share of the state income tax and the state sales tax, rather than talking about putting new taxes on the backs of our property taxpayers.”¹⁵⁵ Alderman Frank went on to state that he thought the property tax approach was unfair because he believed that the majority of attendees at Bradley Center events would not be from the City of Milwaukee.¹⁵⁶ In the end, the property tax increase prevailed because of a lack of other politically feasible options.

Finally, the City of Milwaukee also entered into an agreement with the Bradley Center Sports and Entertainment Corporation—an entity discussed further in Part III.F—obligating the City to build a parking structure for, and adjacent to, the Bradley Center.¹⁵⁷ In order to build the new parking structure, on August 1, 1986, the City entered into an agreement with the City of Milwaukee’s Redevelopment Authority—a separate legal entity¹⁵⁸—to finance the new parking structure.¹⁵⁹ In the agreement, the Redevelopment Authority agreed to issue revenue bonds in the amount of \$25,515,000, and the City agreed to provide “financial and/or other assistance” to market the bonds, and for the general financing and development of the structure.¹⁶⁰ The Redevelopment Authority also agreed to use the proceeds from the sale of the bonds to acquire

1, at 5.

154. See Mike Christopoulos, *Bradley Center Veto Could Cost Taxpayers*, MILWAUKEE SENTINEL, July 31, 1987, pt. 1, at 5.

155. Gill, *supra* note 153.

156. See Christopoulos, *supra* note 154.

157. See Contract Providing for the Implementation of the Bradley Center between the City of Milwaukee and the Bradley Ctr. Corp. (June 26, 1986) (no copy of this contract could be found in the City Attorney’s files, but it was referenced in a document entitled “Redevelopment Authority of the City of Milwaukee Revenue Bonds (Bradley Center Parking Facilities Project) Series 1986; Certificate of the City of Milwaukee, WI; August 4, 1987”) (on file with author). See also City of Milwaukee Common Council, Res. 85-1224-b (Wis. 1985) (directing the City to enter into an agreement with the Bradley Center Corporation and requiring that the contract to include certain provisions) (on file with author).

158. See *Redevelopment Authority*, CITY OF MILWAUKEE, <http://city.milwaukee.gov/racm#.U9JoTsZtdok> (last visited May 15, 2017).

159. Cooperation Agreement between the City of Milwaukee and the Redevelopment Authority of the City of Milwaukee (Aug. 1, 1986) (on file with author). In this agreement and other related documents in the City Attorney’s files, this agreement was referred to as the “Cooperation Agreement.” *Id.*

160. *Id.*

the land for the parking structure, and to pay for the design and construction costs associated with the structure.¹⁶¹ Pursuant to the agreement, the Redevelopment Authority issued the revenue bonds to pay for the construction of the new parking structure.¹⁶²

E. The Opening of, and Reactions to, the Bradley Center

When the Pettits announced their intention to build the Bradley Center in March of 1985, they made it clear that they wanted it open as soon as possible—with a goal of opening in October of 1987.¹⁶³ This original timeline was inevitably delayed because of the political infighting among politicians and community leaders regarding the siting of the new building.¹⁶⁴ The Pettits were understandably shocked by how long the siting decision took.¹⁶⁵ In fact, Lloyd Pettit stated, “[w]hen we announced our plans to build the center on March 5 (1985), we didn’t realize it would take 19 months. We thought[t] we could just put it down.”¹⁶⁶ To be sure, other factors also contributed to the delay in the construction of the Bradley Center.¹⁶⁷ For example, three Milwaukee County committees agreed to delay decisions on whether to relocate offices near the Bradley Center site because of concerns about the possible closure of Old World Third Street.¹⁶⁸ The opening date was thus pushed back to October of 1988.¹⁶⁹ On October 1, 1988, the Bradley Center opened to the public for the first time in hosting an exhibition game between the Chicago Blackhawks and the Edmonton Oilers.¹⁷⁰

Upon its opening, the Bradley Center was hailed as a symbol and source of city revitalization.¹⁷¹ Many saw the new arena as part of a process of

161. *Id.*

162. Indenture of Trust between Redevelopment Auth. of the City of Milwaukee & First Wis. Tr. Co., art. II, § 201 (Aug. 1, 1986) (on file with author).

163. See Kloss, *supra* note 91, at 4A.

164. See Thomas Collins, *Pettits Beam as Dignitaries Ballyhoo the Bradley Center*, MILWAUKEE SENTINEL, Oct. 21, 1986, pt. 1, at 1.

165. *See id.*

166. *Id.*

167. *See Panels Delay County Move Downtown*, MILWAUKEE J., Oct. 3, 1985, pt. 2, at 2.

168. *Id.*

169. See Amy Rinard, *Bradley Center Is ‘on Schedule’ at Midpoint in Its Construction*, MILWAUKEE SENTINEL, Sept. 29, 1987, at 1.

170. *Arena Highlights*, *supra* note 114.

171. *See Bradley Center Takes Its Place in Spotlight*, MILWAUKEE J., Oct. 1, 1988, at 8A (“The . . . Bradley Center, which opens tonight, is a monument not only to the magnanimity of its donors, Jane and Lloyd Pettit, but to a revitalizing city’s new-found confidence in itself.”). *Id.*

revitalization that began with the construction of the Grand Avenue Mall, various housing projects, and the establishment of the Milwaukee Center Theater District.¹⁷² Developers and City of Milwaukee development officials also believed that the Bradley Center would spur more development.¹⁷³ Indeed, the planning for several new developments began after the Bradley Center opened.¹⁷⁴ Others believed that the Bradley Center could help unify those who lived to the east and west of the Milwaukee River—which bisects the City of Milwaukee—as well as keep people downtown at night.¹⁷⁵ The concentration of people downtown in the evening was also important to restaurants, as one restaurant manager estimated that sporting events accounted for almost 50% of a downtown restaurant’s revenue.¹⁷⁶ To be sure, there were some who expressed disappointment about aspects of the Bradley Center, including land acquisition and relocation costs for the City of Milwaukee,¹⁷⁷ increased food prices at the arena,¹⁷⁸ the location,¹⁷⁹ and seating.¹⁸⁰ However, overall—indeed, the overwhelming sentiment—was that the Bradley Center was a significant and important addition to Milwaukee.¹⁸¹

F. Creation of the Bradley Center Sports and Entertainment Corporation

Even before the Pettits’ Bradley Center gift went public, consultants

172. *See id.*

173. *See* Thomas Collins, *Center Seen as Spur to Development*, MILWAUKEE SENTINEL, Oct. 20, 1986, at 1.

174. *See id.* (noting plans for at least two new hotels).

175. *Id.*

176. *See id.*

177. *See* Sandler et al., *supra* note 90 (describing the concerns of Milwaukee County Supervisor Richard Nyklewicz, Jr., who stated, “I’m puzzled by how these things are developing, how a \$40 million gift is now going to cost the taxpayers an unknown amount of money.”). *Id.*

178. *See, e.g.,* *Bradley Center Earns Some Boos*, MILWAUKEE J., Oct. 9, 1988, at 22J, (noting concerns regarding the increase in prices of food and beverages at the Bradley Center compared to the MECCA); Amy Rinard, *Food, Drinks Cost More at Bradley*, MILWAUKEE SENTINEL, Oct. 1, 1988, at 1 (describing same).

179. *See* Sandler et al., *supra* note 90 (explaining the disappointment of some with the downtown location, including Milwaukee County Supervisors Lawrence Kenny and Thomas Bailey).

180. *See* Dale Hofmann, *Use Imagination to See Finished Bradley Center*, MILWAUKEE SENTINEL, Mar. 16, 1988, pt. 1, at 1 (explaining that while the Bradley Center could hold up to certain capacity crowds, it was unlikely it would do so consistently for most games and events). There was also some concern about 250–300 seats that had obstructed views. *See* Bob Berghaus, *Bad View: 250 to 300 Seats at Bradley Center Are Not Ideal*, MILWAUKEE J., Aug. 21, 1988, at 1C.

181. *See* Collins, *supra* note 173.

suggested the formation of a non-profit corporation to oversee the construction and eventual operation of the new arena.¹⁸² Indeed, the day after the Pettits' public announcement of their intention to build and donate the Bradley Center, Wisconsin Governor Anthony Earl requested that the Legislative Research Bureau draft a bill to create the Bucks Stadium Board, which would later become the Bradley Center Sports and Entertainment Corporation (BCSEC).¹⁸³ The purpose of the bill was to "create an independent agency . . . to operate [the future] stadium headed by [a] board (part-time)."¹⁸⁴ One of the key reasons for creating a state-level entity—with its own governing board—was "to keep above county battles"¹⁸⁵ and "get it out of city politics."¹⁸⁶ The other important issue that needed resolution was whether to make the board a public or private entity. The first draft of the bill designated the board as "not a state agency"—exempting it from open meetings law, open record requests, gift restrictions, and other laws and requirements that applied to state entities.¹⁸⁷

This designation raised some concerns because it was unclear as to whether such an entity would still provide a tax benefit for Mrs. Pettit and whether she could give the Bradley Center to the board without state involvement.¹⁸⁸ Eventually, the board was made a "state body" to provide for the gift tax exemption and for future tax exemption as well.¹⁸⁹ After these issues were resolved, the

182. See Bauer, *Advisers Favor Auditorium*, *supra* note 57, at 6.

183. See Legis. Reference Bureau Drafting Request 2890 (Mar. 6, 1985) (on file with author).

184. *Id.* Handwritten Notes Following Legis. Reference Bureau Drafting Request 2890 (on file with author).

185. Handwritten Notes from Meeting with Harry F. Franke, Attorney, Legislator, and Lobbyist, Cook & Franke S.C., Following Legis. Reference Bureau Drafting Request 2890 (Mar. 7) (on file with author).

186. *Id.* Handwritten Notes from Meeting with Don K. Schott, Partner, Quarles & Brady LLP (Mar. 7) (on file with author).

187. 1985 Wis. Act 26, LRB drafting file 2890/1.

188. Compare *id.* with Handwritten Notes from Meeting with Juan Colas, Harry Franke, Hal Bergan, & Don Schott Following Legis. Reference Bureau Drafting Request 2890, at 1 (Mar. 13) ("Franke says no diff[erence] in tax [advantage between] the [two]? (Referring to the gift given directly to the state or to a non-profit directly)) with *id.* Notes from Call with Brian Wansek (Mar. 7) (" . . . must be a particular kind of entity to get tax exemption, must tread fine line because it must be state, a possession of a state, or a polit[ical] subdivision."). See Wis. State Leg., 1985 Wis. Act 26, LRB drafting file 2890/1; Wis. State Leg., 1985 Wis. Act 26, LRB drafting file 2890/Pldn; Drafter's Note from Jane Limprecht, Legislative Attorney, to Juan Colas, at 1 (Apr. 24, 1985).

189. 1985 Wis. Act 26, LRB drafting file 2890/Pldn.; Drafter's Note from Jane Limprecht, Legislative Attorney, to Juan Colas, *supra* note 188. The tax-exempt status for the corporation was viewed by some as vulnerable to a possible state constitutional challenge under the Uniformity Clause. See *id.* Jark Stark, a legislative drafter with an expertise in tax was concerned about *Board of*

bill—Assembly Bill 291—was introduced in the State Assembly.¹⁹⁰

The first draft of the bill submitted to the legislature contained several noteworthy provisions. For example, the tax exemption issue continued to garner attention. The initial bill exempted the BCSEC from “property taxation all real and personal property . . . including related or auxiliary structures.”¹⁹¹ This exemption applied both during the construction and operation of the Bradley Center provided that the facility was “owned by a non[-]profit corporation, the state or an instrumentality of the state.”¹⁹² As part of the legislative consideration by the Joint Survey Committee on Tax Exemptions—the committee to which the bill was referred after its original introduction in the Committee on State Affairs in the State Assembly—the Wisconsin Department of Revenue affirmed that there would be no property tax shift in giving such an exemption because the land upon which the Bradley Center was to be built was already exempt from property taxes.¹⁹³

There were two areas of the original bill that received some reworking by the legislature. The first draft of the bill exempted the BCSEC from open records and open meetings laws.¹⁹⁴ These exemptions caused a great deal of controversy.¹⁹⁵ Part of the reason for the controversy lay in public expectation. Wisconsin’s Open Records Law created a presumption that the public should (and will) have access to public records and that access should be de-

Trustees v. Outagamie County, 136 N.W. 619 (Wis. 1912), which held that “granting a property tax exemption to one member of a class of property owners rather than to the entire class violates the uniformity clause.” *Id.* at 2.

190. *See* Wis. State Leg., 1985 Assemb. B. 291 (Wis. 1985).

191. J. SURVEY COMM. ON TAX EXEMPTIONS, 1985 Assemb. B. 291, at 1 (Wis. 1985).

192. *Id.* While the original intent of the bill seemed to contemplate a new successor entity to whom the Bradley Center Sports and Entertainment Corporation (BCSEC) would transfer ownership, the board of directors of the corporation decided to continue to retain control of the Bradley Center. *Bradley Center Owes Public More Openness*, MILWAUKEE J., Aug. 17, 1988, at 12A. In fact, such a transfer of ownership never took place, as the BCSEC continues to own and operate the Bradley Center. *See Joerres, Marotta Start New Terms with BMO Harris Bradley Center Board*, BMO HARRIS BRADLEY CTR., <http://www.bmoharrisbradleycenter.com/news/detail/joerres-marotta-start-new-terms-with-bmo-harris-bradley-center-board> (last visited May 15, 2017) (announcing the latest appointments to the Bradley Center Sports and Entertainment Corporation’s board of directors, which continues to run the recently-renamed BMO Harris Bradley Center).

193. *See id.* WIS. DEP’T OF REVENUE, FISCAL ESTIMATE, 1985 Assemb. B. 291 (Wis. 1985). In addition, the bill contemplated no fiscal effect on the state budget or potential liability for claims made by future employees of the BCSEC. *See* FISCAL ESTIMATE, 1985 Assemb. B. 291 (Wis. 1985).

194. *Bradley Center Bill Needs Repairs*, MILWAUKEE J., May 17, 1985, pt. 1, at 12.

195. *See id.* (asserting that lawmakers needed to keep the public interest in mind and that the public interest was not served by the exemption from open records and open meetings laws).

nied only in exceptional circumstances.¹⁹⁶ Moreover, the text of the Wisconsin Open Meetings Law further emboldened opponents of the exemptions: “Every meeting of a governmental body shall be preceded by public notice as provided in [§] 19.84, and shall be held in open session.”¹⁹⁷ In response to the public reaction to the exemptions, the legislature amended the bill to avoid an overarching exemption to these laws.¹⁹⁸ The State Senate amended the bill—and the State Assembly later approved the amendment—to include certain open meeting provisions.¹⁹⁹ These requirements—which remained in the final bill and became law—included keeping meeting minutes, making those meeting minutes available to the public, and making available to the public contracts that exceeded \$20,000 and for contracts involving ten or more events at the Bradley Center in a given year.²⁰⁰ However, this provision did not apply to concession contracts.²⁰¹ Despite these changes, some public disapproval still lingered.²⁰²

The second area of legislative focus and redrafting was the make-up of the BCSEC’s board of directors. The bill originally called for a board of seven members—four nominated by local organizations and three by the governor.²⁰³ The second draft included a provision where none of the appointees were subject to the advice and consent of the Wisconsin State Senate.²⁰⁴ When the Committee on State Affairs (of the State Assembly) considered the bill, it made two changes to the board requirements.²⁰⁵ First, the committee abandoned the original concept of four board nominations by local organizations, replacing them with gubernatorial appointments.²⁰⁶ Second, the committee inserted a requirement that at least three of the members of the board have executive or

196. WIS. STAT. § 19.31 (2016).

197. WIS. STAT. § 19.83(1) (2016).

198. See Charles E. Friederich, *Bradley Center Bill OK’d in Senate*, MILWAUKEE J., June 14, 1985, pt. 2, at 3.

199. See 1985 Wis. Act 26, LRB drafting file 0126/1, at 6, 7–8.

200. See *id.*

201. *Id.* at 8.

202. See *Bradley Center Bill Needs Repairs*, *supra* note 194.

203. See 1985 Wis. Act 26, LRB drafting file 2890/1a. The local organization appointments were to be made by the Greater Milwaukee Committee, Metropolitan Milwaukee Association of Commerce, Milwaukee Labor Council, and Citizen’s Government Research Bureau. *Id.*

204. See *id.* at 1.

205. See 1985 Assemb. B. 291, reprinted in ASSEMB. JOURNAL, 87th Reg. Sess., at 144, 160 (Wis. 1985).

206. See 1985 Wis. Act 26, LRB drafting file 0116/1, at 5.

business experience.²⁰⁷ The Senate Committee on Urban Affairs, Utilities, and Elections also considered the bill and made another change: All BCSEC board members must be residents of the State of Wisconsin.²⁰⁸ In the end, the legislature made various changes that resulted in board membership requirements that have remained consistent since their enactment in 1985. The board was changed to nine directors, all of whom were appointed by the governor.²⁰⁹ The final bill provided that six of the appointees must be Wisconsin residents and be approved with the advice and consent of the State Senate.²¹⁰ The final three members were reserved for nominees of the Bradley Family Foundation. Finally, the enacted law provided that board members held seven-year staggered terms, could not be elected officials, and could not be compensated for their duties.²¹¹

After the State Assembly and State Senate amended the bill and agreed upon its final text, both houses passed Assembly Bill 291 in its amended form, and Governor Earl signed the bill.²¹² The bill officially became 1985 Wisconsin Act 26 and was published on July 18, 1985.²¹³ The law made the BCSEC both an instrumentality of the state and a non-profit corporation.²¹⁴ It also approved the entity as the owner and operator of the Bradley Center.²¹⁵ The statute also empowered the corporation in a variety of manners, including the ability to take a loan or grant, execute contracts, maintain an office, employ certain experts, and sue or be sued.²¹⁶ At the same time, the law required the BCSEC to submit an annual audited financial statement to the governor and the legislature.²¹⁷ In addition, as detailed above, the statute subjected the board to certain state open meetings and open records requirements.²¹⁸ Finally, the statute pre-

207. *Id.*

208. *See* W1985 Wis. Act 26, LRB drafting file 0126/1.

209. *See* WIS. STAT. § 232.03(2) (2016).

210. *See id.* § 232.03(2)(a).

211. *See id.* §§ 232.03(3), 232.03(5).

212. *See* 1985 Wis. Act 26 (1985).

213. *See id.*

214. *See id.* § 1.

215. *See id.*

216. *See id.* § 232.05(1)(a)–(g). In particular, the law encouraged the BCSEC to enter into contracts with Wisconsin-based businesses and minority-owned businesses. *Id.* § 232.05(2).

217. *See id.* § 232.05(2)(e).

218. *See id.* § 232.05(2)(f)–(g).

cluded the BCSEC's ability to sell, exchange, or divest itself of the Bradley Center.²¹⁹ In this regard, the dissolution provisions were carefully detailed, and if dissolution were to occur, all of the corporation's remaining assets would go to the State—including the Bradley Center itself.²²⁰

IV. CONCLUSION

The story of the Bradley Center is notable on a number of levels. The Bradley Center is the only sports facility used in any of the four major professional sports leagues that was not either built by a private owner as an investment or by a governmental entity to host a sports team.²²¹ Instead, it was built by a philanthropist for the benefit of her community. Mrs. Pettit's unique distinction is even more impressive given that the Bradley Center cost her more than either of the other two arenas built for private investment that same year: The Palace of Auburn Hills cost \$70 million, while Sleep Train Arena was \$40 million.²²² Indeed, as noted before, Mrs. Pettit approved the dramatic increase in cost of the Bradley Center from its original estimate because she wanted to ensure that the Milwaukee and Wisconsin communities had a state-of-the-art sports and entertainment facility.²²³ This unprecedented and as-of-yet unmatched approach to building a new sports facility provides a stark juxtaposition to the oft-criticized ninety-two other sports arenas and stadiums that were built—or are being built—with public financing and/or other public subsidies and favorable development approvals.

In these regards, it is probably not too much to say that scholars have failed in omitting from the conversation Mrs. Pettit's remarkable vision and approach to building a new sports and entertainment facility in a community. Maybe if other philanthropists knew more about Mrs. Pettit's vision, they would have sought to emulate—or perhaps even outdo—her. Indeed, this was one of Mrs. Pettit's hopes: to inspire other philanthropists to share their wealth more robustly with their communities (for her, particularly those in Milwaukee for

219. *See id.* § 232.07.

220. *Id.*; 1985 Wis. Act 26, LRB drafting file 1858-1, at 5.

221. *See Parlow, Equitable, supra* note 5.

222. *See Johnny Lawrence, Detroit's Suburban Palace in Auburn Hills*, BLEACHER REP. (Apr. 28, 2010), <http://bleacherreport.com/articles/385673-detroits-suburban-palace-in-auburn-hills>; *see also Sleep Train Arena Seating Chart, Pictures, Directions, and History*, ESPN, http://espn.go.com/travel/stadium/_s/nba/id/23/sleep-train-arena (last visited May 15, 2017).

223. *See Van de Kamp Nohl, supra* note 2.

that particular community).²²⁴ But philanthropists are—largely—a bright, creative, and strategic group. They certainly could have thought of something similar without reading about the Bradley Center. Maybe their priorities were in other areas. There are, no doubt, great needs in many communities and around the world—to take nothing away from Mrs. Pettit’s desire to give her community a new arena. But we rarely see singular philanthropic gifts of this magnitude today that seek to enhance a community’s entertainment, sports, and cultural opportunities in the way Mrs. Pettit did.²²⁵ Instead, we see billionaires (who are far wealthier than Mrs. Pettit ever was) purchasing professional sports teams and then either pursuing a—or enjoying an existing—sports arena or stadium that benefits from public financing.²²⁶ In this regard, today—and ever

224. *See id.*

225. One example is Walter Annenberg, who—upon his death—donated art valued at \$1 billion to the Metropolitan Art Museum in New York City. *See* John Russell, *Annenberg Picks Met for \$1 Billion Gift*, N.Y. TIMES (Mar. 12, 1991), <http://www.nytimes.com/1991/03/12/arts/annenberg-picks-met-for-1-billion-gift.html> (noting Annenberg’s announcing his intent to bequeath the artwork to the museum); *The Metropolitan Museum of Art, the Walter H. and Leonore Annenberg Collection*, VAN GOGH GALLERY, http://www.vangoghgallery.com/museum/United-States-of-America/The_Metropolitan_Museum_of_Art_The_Walter_H_and_Leonore_Annenberg_Collection.html (explaining that the artwork was donated to the museum upon Annenberg’s death in 2002) (last visited May 15, 2017). In today’s dollars, Mrs. Pettit’s gift of the Bradley Center would be more than \$180 million. *See Consumer Price Index (Estimate) 1800-*, FED. RES. BANK MINNEAPOLIS, http://www.minneapolisfed.org/community_education/teacher/calc/hist1800.cfm (last visited May 15, 2017). Herb Kohl—the former owner of the Milwaukee Bucks—is a notable exception. He has pledged \$100 million to a new sports arena in Milwaukee to replace the Bradley Center. *See* Don Walker, *Kohl Sells Bucks for \$550 Million; \$200 Million Pledged for New Arena*, MILWAUKEE J. SENTINEL (Apr. 17, 2014), <http://www.jsonline.com/sports/bucks/milwaukee-bucks-sold-by-herb-kohl-for-550-million-to-billionaire-investors-b99249475z1-255535471.html>. However, unlike Mrs. Pettit’s donation, this amount is likely to cover only 25-30% of the cost of a new arena. *See* Rich Kirchen, *Pending Bucks Sale Does Not Add Urgency ‘Cultural Assets’ Task Force: MMAC*, MILWAUKEE BUS. J. (Apr. 22, 2014), <http://www.bizjournals.com/milwaukee/news/2014/04/22/pending-bucks-sale-does-not-add-urgency-for.html?page=all> (noting that a new arena would likely cost between \$400 and \$500 million).

226. Two recent examples are billionaires Marc Lasry and Wesley Edens purchasing the Milwaukee Bucks for \$550 million and pursuing a new arena that will likely require some public financing, and Steve Ballmer—one of the richest persons in the United States—attempting to buy the Los Angeles Clippers for \$2 billion (the Clippers play in the Staples Center, which received some public financing). *See* Rich Kirchen, *Lasry: Bucks Under ‘Huge Pressure’ to Build Arena; Will Need Public Funds*, MILWAUKEE BUS. J. (June 23, 2014), <http://www.bizjournals.com/milwaukee/news/2014/06/23/lasry-bucks-under-huge-pressure-to-build-arena.html?page=all>; Ramona Shelburne & Darren Rovell, *Los Angeles Clippers ‘Bid Book’ Shows Ballmer Overpaying*, ESPN (July 23, 2014), http://espn.go.com/los-angeles/nba/story/_/id/11253545/los-angeles-clippers-bid-book-shows-steve-ballmer-overpaying.

since her donation—we experience the opposite of Mrs. Pettit: Instead of using one's wealth to provide a gift to the public without (much) cost to it, wealthy owners are using the public to increase their team's profitability and value and, correspondingly, their own wealth. The common explanation for this incidence is that public financing is what the market bears for new sports facilities. And while this may be true, enough evidence suggests that Mrs. Pettit would not have cared what the market bore for a new arena for the Milwaukee and Wisconsin communities.

So perhaps it is not just scholars and commentators who have failed in ignoring or forgetting—or at least keeping largely out of the conversation—Mrs. Pettit's extraordinary gift of the Bradley Center. Maybe too few philanthropists—and certainly no wealthy sports team owners—have heeded Mrs. Pettit's example and challenge in using their incredible wealth to better their communities in ambitious and robust ways. In this regard, perhaps the donation of the Bradley Center is not the only aspect of this fascinating history that is unique and unlikely to be replicated ever again. Maybe, too, we will never see another Jane Bradley Pettit again. Here is to hoping that is not the case.