

# CITY OF MILWAUKEE

Form CA-43

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December 5, 2003

To the Honorable Committee on  
Zoning, Neighborhoods & Development  
Room 205 - City Hall

Re: Validity of Letters Revoking Consent to Protest Petition  
(First Amendment to the Detailed Planned Development known as  
Meeting House Properties (f/k/a Le Parc House), on Land Located  
on the South Side of West Donna Drive and West of North 107<sup>th</sup>  
Street in the 15<sup>th</sup> Aldermanic District) CCFN 020643; (Second  
Amendment to a General Planned Development known as Le Parc  
House on land located on the South Side of West Donna Drive and  
West of North 107<sup>th</sup> Street, in the 15<sup>th</sup> Aldermanic District) CCFN  
020856) CCFN 020856; (Second Amendment to a General Planned  
Development known as The Highlands on land located on the South  
Side of West Donna Drive and West of North 107<sup>th</sup> Street, in the  
15<sup>th</sup> Aldermanic District) CCFN 020855

Dear Committee Members:

In response to your requests dated December 4, 2003, we have reviewed a series of letters from a number of individuals who originally signed a protest petition concerning the above-referenced development. In this respect, we have also reviewed a letter from counsel for the developer of this project referring to an earlier opinion of this office dated November 18, 2002, concerning Common Council File Nos. 020643, 020855, and 020856 in which we opined that a valid protest petition had been filed with respect to this development.

The form and content of the various letters purporting to revoke consent to the original protest petition are valid, in accordance with the provisions of the applicable statute and

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ordinance (Wis. Stat. § 62.23(7)(d)(2m)a. and § 295-307-5, Milwaukee Code of Ordinances). In this respect, we note that the form of authentication utilized in conjunction with the revoking letters is substantively equal to that utilized with respect to the original protest petition. We note, however, that only eight of the original 10 signatories to the original November 2002 protest petition have filed letters revoking their assent to that petition. Accordingly, the validity of the original protest petition would depend upon whether there remain a sufficient number of signatories thereto (excluding those who have filed letters of revocation) sufficient to satisfy the "20 percent requirement" set forth in the statute and ordinance referenced earlier.

If you have any further questions concerning this matter, please contact this office for guidance.

Very truly yours,

  
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