

# CITY OF MILWAUKEE

Form CA-43

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May 9, 2003

Public Improvements Committee of the Common Council  
200 East Wells Street, Room 205  
Milwaukee, WI 53202

**Attn: Robert Harvey, Staff Assistant**

Re: Legal Sufficiency of Petition for A Name Change of a City Street

Dear Committee Members:

By a referral notice dated January 22, 2003, you requested an opinion as to whether a petition of property owners in the 4800 block of North 35<sup>th</sup> Street met the legal requirements of §113-3(4a-7) of the Milwaukee Code of Ordinances, which governs the renaming of streets within the City.

In reviewing the petition of property owners, we cannot say with certainty that the petition is legally sufficient. If the petition represents at least 50% of the property owners adjacent to the street being renamed, and if the signatories have the legal authority to sign the petition as either the owner of the property or the lawful agent of the owner of the property, then the petition is legally sufficient. However, a preliminary comparison of the signatures and addresses listed on the petition with the information maintained by the City Assessor's Office raises some questions regarding the signatories listed on the petition, and their ability to act on behalf of the owners of record. In at least one instance, the owner of the property as listed in the Assessor's records did not sign the petition. Also, seven of the eight properties listed on the petition are represented by one person. We have no way to verify if that person is

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legally empowered to represent all those properties, most of which are owned by either a corporation and a limited partnership.

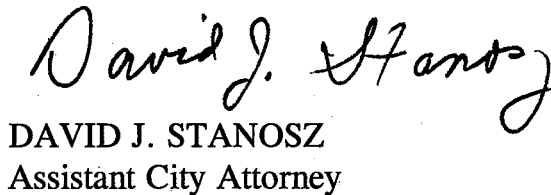
Your staff should require that someone who signs the petition, but is not listed as the owner of record, has the authority to sign for the owner.

If you have any further questions regarding this matter, please feel free to contact our office.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



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DJS/ms

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