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February 8, 2008

Rocky Marcoux, Commissioner
Department of City Development
809 North Broadway, 2nd Floor
Milwaukee, WI 53202

Re: Park East Riverwalk - TID No. 48 Increase in Funding

Dear Commissioner Marcoux:

In a December 5, 2007 memorandum pertaining to the proposed Aloft Hotel Project we were asked to provide a legal opinion addressing the funding of a public riverwalk and street connections on the proposed Aloft Hotel site. The issue is whether the current Project Plan for TID No. 48 permits expenditures for the construction of the proposed public riverwalk and street connections without a formal amendment to the Project Plan. In that event, the Common Council may, by resolution, authorize additional expenditures within TID No. 48 to fund the Project pursuant to a Riverwalk Development Agreement.

The Project Plan for TID No. 48 contemplates the construction of various public works and improvements and specifically references the fact that the actual public improvements to be funded are to be based upon detailed plans to be prepared at a later date. The language in the plan reads as follows:

“... The specific kind, number, location, and estimated costs of public works and other improvements as identified below are based on preliminary plans and concepts developed in consultation with the Department of Public Works and as part of the preparation of the economic feasibility study for this District. These may be modified as to kind, number, location, and the costs allocated at any time during project execution based on more definitive engineering studies and construction plans without amendment of this Plan ... reimbursement to owners of abutting property for costs directly related to the project also may be undertaken if necessary for the implementation of the Plan for the District.”

The language in the Project Plan specifically contemplates ongoing planning efforts within TID-48, the modification of plans for public improvements and reimbursement to

Rocky Commissioner

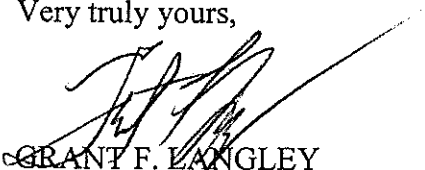
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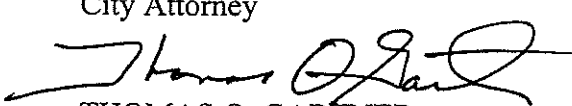
abutting owners for costs incurred for Project Plan implementation. In our opinion the language in the Project Plan both meets the statutory requirement of setting forth the kind, number, location of all proposed public works and provides adequate flexibility for final design and identification of specific project elements without a formal amendment to the Project Plan.

Accordingly, it is our opinion that the partial funding of the construction of a riverwalk, a public plaza and related dockwall work may be undertaken without a formal amendment of the TID 48 Project Plan. Adoption of a Common Council Resolution specifically authorizing the increased expenditures for TID No. 48 and approving the terms of a Riverwalk Development Agreement will allow this Project to proceed.

Very truly yours,



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TOG:ms

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