

# CITY OF MILWAUKEE

Form CA-43

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June 3, 2003

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

Re: CCFN 021558 - Protest Petition (rezoning of 3309 North Oakland Avenue,  
Tax Key No. 280-1185-100-4)

Dear Committee Members:

This office has been requested to review three protest petitions filed with respect to a proposed rezoning of the above-referenced property from RM4 (multi-family residential) to LB2 (local business). We have reviewed these petitions and advise that they are generally in the proper form, and that the signatures affixed thereto are properly acknowledged.

The general form of the petitions is appropriate and references the appropriate statutory and ordinance sections, specifically § 62.23(7)(d)2m., *Wis. Stats.*, and § 295-307-5 of the Milwaukee Code of Ordinances. Two of the signatures are of individuals. The third signature is that of a representative of an entity denoted as Oakland Apartments LLP. With respect to that petition, we would note that the form of acknowledgement set forth thereon is not identical to that suggested by the Wisconsin Statutes as the appropriate form of acknowledgement for signature made and witnessed in a representative capacity. *See*, § 706.07(8)(b), *Wis. Stats.* Nevertheless, the form of acknowledgement that was actually used upon this petition would, in our opinion, be sufficient in that: (1) it does explicitly set forth the fact that the signature being acknowledged is being made and witnessed in a representative capacity; and (2) it does

To the Honorable Committee on  
Zoning, Neighborhoods & Development  
June 3, 2003  
Page 2

explicitly set forth the title of the individual and the name of the entity represented.  
*See, § 706.07(7)(b)4., Wis. Stats.*

We have not verified the following items: (1) whether the property addresses noted on the petition are in fact within 100 feet of this property, as required by the applicable statute and ordinance; and (2) whether the individuals who have signed the protest petition (either in their own capacity or in a representative capacity) are in fact the owners of record of the properties indicated thereon. We would suggest that these items be verified by the appropriate city departments and/or officials possessing such information.

If you have any further questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,



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