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September 9, 2008

HAND DELIVERED

Patricia Balon
Historic Preservation Commission
Dept. of City Development
809 North Broadway - 1st Floor
Milwaukee, WI 53202

Re: COA for Goll Mansion

Dear Ms. Balon:

I have just learned of a very disturbing development in the application of COA of NLE relative to the Goll Mansion. It clearly establishes that NLE has no intention of preserving the Goll Mansion when and if it is successful in obtaining its COA and its zoning variance.

A key part of the "Statement of Intent" filed by NLE on the 29th of August calls for insertion of a requirement in the condominium declarations that the owners cannot revoke their obligation to maintain the Goll House without Common Council approval. An "updated Statement of Intent" was filed on the 4th of September. The updated statement deletes the inclusion of the Common Council approval requirement in the condominium declarations.

As I stated to you in my letter of September 8th, at page 8, item #5, I questioned whether NLE has made any "promises that the Goll restoration will transfer to the condo association that will govern the skyscraper if it sells out". That question proved prescient.

Recall that the application for the COA argues that the only way to save the Goll Mansion is to grant NLE a COA and allow it to develop the site with the addition of a \$60 million 26 story condominium building. If NLE is denied the COA, then the Goll Mansion cannot be preserved because NLE does not have the funds to maintain or restore it. Also, recall that NLE filed a Memorandum of Understanding reached with the Milwaukee Preservation Alliance on July 16, 2008. In that MOU, the Alliance blesses the NLE's proposal as "providing unique and creative solutions to the specific challenges of preserving the Goll House". The MOU then details the NLE proposal. The summary of the MOU provides:

"In consideration of the conditions agreed to by New Land Enterprises LLC, the National Trust for Historic Preservation Midwest Office and the

Milwaukee Preservation Alliance support this project because it affords the best opportunity for saving and restoring the Goll House. The project described in this Memorandum of Agreement will not only reuse this important local landmark **but also insure its continued maintenance and care in perpetuity.**

Nothing could be further from the truth.

In its original "Detailed Plan Project Description and Owner's Statement of Intent" filed with the DCD on August 29, 2008, NLE represents to the Commission that:

"Operating standards or restrictions shall be specified in a declaration of condominium to be recorded against the Site. Such restrictions shall require that the owners of the Site maintain the Goll House consistent with its historic designation. **The declaration will also provide that the obligation to maintain the Goll House shall not be revoked by the owners without Common Council approval.**" Statement of Intent page 2 par.1. (see attached Ex. 1)

After filing my letter on the 8th, I was provided with updated records responsive to my attorney's open records request. In that packet of materials was an "updated Detailed Plan Project Description and Owner's Statement of Intent" filed on September 4th. The updated Statement of Intent deletes the statement in bold above. **In other words, NLE's proposal would now allow the condominium declaration to allow the condominium owners to unilaterally revoke their obligation to maintain the Goll House.** (See attached Ex. 2)

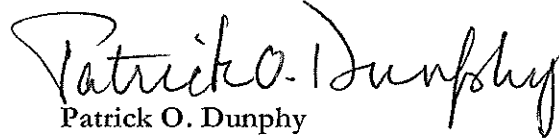
This change in the "Statement of Intent" makes NLE's intent clear. It has no intention of maintaining the Goll House once it sells off its development. Perhaps NLE fears it cannot sell the development if it binds its future owners to an obligation to maintain the Mansion. Perhaps NLE fears it cannot sell the rezoned, undeveloped parcel to another buyer if the obligation to maintain the Goll House in perpetuity will transfer with the sale. Whatever the reason, the update Statement of Intent does nothing to "insure its [Goll House] continued maintenance and care in perpetuity" as set forth in the MOU. Instead, it makes it quite clear the condominium owners can revoke their obligation to maintain the very house that NLE is promising to preserve.

All the plans, proposals and promises of NLE are meaningless if they only bind NLE. If the plans, proposals and promises, can evaporate after NLE's transfer of the property, then granting a COA will not save the Mansion, it will doom the Mansion.

Remember that what you do in response to this application will have a direct and dramatic affect on the future of the Goll House. Additionally, it will have a direct and dramatic affect on other historic structures throughout the City. Please study this application and see it for what it is; a plan to sell or develop a valuable piece of real estate that cannot happen as long as the Goll House is in the way.

Very truly yours,

CANNON & DUNPHY, S.C.

A handwritten signature in black ink that reads "Patrick O. Dunphy". The signature is written in a cursive style with a large, looping initial "P".

Patrick O. Dunphy

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/jb

GOLL MANSION RESIDENTIAL DISTRICT

DETAILED PLAN PROJECT DESCRIPTION AND OWNER'S STATEMENT OF INTENT (THE "STATEMENT")

Overall Project Description. New Land Enterprises, LLP (the "Applicant") seeks to rehabilitate the existing Frederick T. & Eleanor Goll House located at 1550 North Prospect Avenue in the 4th Aldermanic District of the City of Milwaukee, Wisconsin (the "Site") and to develop a new residential building containing up to 35 units on the east side of the Site. The Common Council designated the Goll House as a historic structure under Milwaukee Code Section 308-81(2)(h), requiring that all renovations to the Goll House be made consistent with the City's historic preservation ordinance (Section 308-81). Unfortunately, over the past several years, the condition of the Goll House has deteriorated and its current office use cannot generate sufficient cash flow to support the repairs needed to restore the Goll House to its former splendor. The restoration of the Goll House will be made possible, however, through the development of a new residential building on the east side of the Site. The Goll House restoration and the new building development will occur in a single phase and will be subject to the requirements of this detailed planned development ("DPD") project description and the plans referenced herein.

This development proposal is consistent with the City's comprehensive plan. While no specific neighborhood plan for the area has been adopted, the proposed development (excepting only upper story setbacks) is consistent with the existing RM-7 high-density multi-family residential district zoning that applies to the Site and the City's Principles of Urban Design. Specifically, as recited in such principles, this development will be "quality housing" in keeping with "Milwaukee's rich architectural legacy." The proposed development, while consistent with the existing RM-7 Zoning, will actually be less dense than that currently permitted by such zoning.

- RM-7 zoning permits 186 units at the Site, but not more than 35 units will be constructed under this DPD proposal.
- RM-7 zoning permits 111,752 square feet of building space on the Site; a smaller building will be developed under this DPD proposal.
- RM-7 zoning permits a building of unlimited height to be developed at the Site; the building to be developed under this DPD proposal will not exceed 320 feet in height.

Further, the development proposed for the Site will be less dense and consistent with the existing development in the Prospect Avenue neighborhood. Preserving and restoring the Goll House will pay tribute to the historic and cultural heritage of Prospect Avenue. The new residential building will be consistent with the other residential owner-

occupied buildings recently constructed in the area, including 1522 North Prospect, University Club Tower and Kilbourn Tower, as well as the many apartment buildings that have existed in the area for several years, including 1660 North Prospect, 1626 North Prospect and 1570 North Prospect.

The alternative to allowing this development to proceed is stagnation at the Site. To date, other development proposals for the site have proven economically feasible. Doing nothing will result in detriment to the Prospect Avenue neighborhood and to the City as a whole. The Goll House will continue to deteriorate. The City will forgo approximately \$60 million of development potential. And, the City will lose the investment and involvement of up to 35 high income residential owners and occupants.

1. Uses. Permitted uses at the Site under this DPD proposal will remain consistent with the permitted uses under the RM-7 high-density multi-family residential district in effect on the date of this Statement. Specifically, multi-family dwellings and accessory uses, including parking, lobby, concierge, fitness center, guest suites, parlors/meeting rooms and small private ballroom shall be permitted. All accessory uses shall primarily serve the residents on the Site, except that the Goll House may, at the discretion of the owners of the Site, be made available for public observance and enjoyment of its historic characteristics.

Operating standards or restrictions shall be specified in a declaration of condominium to be recorded against the Site. Such restrictions shall require that the owners of the Site maintain the Goll House consistent with its historic designation. The declaration will also provide that the obligation to maintain the Goll House shall not be revoked by the owners without Common Council approval.

*deleted
from 9/4/08
statement*

2. Design Standards. The proposed design elements and standards for the Site are reflected in the following plans submitted with this Statement:

- Exhibit A Statistical Sheet
- Exhibit B Lighting Specifications Sheets
- Exhibit C Existing Site Context Photos and Perspectives

- Survey
- Site Grading Plan
- Site Utility Plan
- Erosion Control Details

- A001 Site Plan
- A002 Landscaping Plan
- A200 Overall Basement Plan
- A201 Overall Ground Floor Plan
- A202 Second Floor Parking Levels

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- A204 Fourth Floor Parking Levels