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June 13, 2007

**BY HAND DELIVERY**

Mr. Rocky Marcoux  
Executive Secretary of the  
Historic Preservation Commission  
Department of City Development  
809 North Broadway - 1st Floor  
Milwaukee, WI 53201

MILWAUKEE  
2007 JUN 13 AM 11:09  
RONALD V. LEONHARDT  
CITY CLERK

RE: Permanent Historic Designation for the First National/First Wisconsin National Bank Building 733-743 N. Water Street

Dear Mr. Marcoux:

This firm represents Compass Properties North Water Street LLC ("Compass Properties"), the owner of the property located at 733-743 North Water Street (the "Property"). On June 11, 2007 you notified us that the Historic Preservation Commission (the "Commission") has scheduled a hearing on June 18, 2007 for the permanent historic designation of the Property. As explained below, the Zoning, Neighborhoods and Development Committee ("ZND") agreed to postpone an appeal from the Commission's interim historic designation of the Property. Until this appeal is considered on the merits by ZND, we believe the hearing on the permanent historic designation of the Property is premature and inequitable. Thus, pursuant to the terms of this letter, we request a postponement of the permanent historic designation hearing.

On April 16, 2007, the Commission voted to place interim historic designation on the Property. Pursuant to Section 308-81-10.5(f) of the Milwaukee Code of Ordinances, Compass Properties timely appealed from the interim historical designation of the Property by the Commission.

This appeal was scheduled to be heard in front of ZND on Tuesday, May 22, 2007 (Item Number 7 of the Agenda for that date). At that meeting, ZND voted to postpone the hearing on the appeal to a date not later than July 31, 2007. While Compass Properties agreed to waive the

Mr. Rocky Marcoux  
June 13, 2007  
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right to have its appeal heard within 45 days of submitting its appeal petition, it did not withdraw its appeal from the interim historic designation of the Property. (See the letter attached as Exhibit A).

It is our understanding that ZND will reschedule the hearing on the appeal for sometime in July, 2007. At that time, Compass Properties will have an opportunity to present its arguments against the interim historic designation of the Property to ZND. Only then will ZND make a recommendation to the Common Council on whether or not the interim historic designation of the Property should remain in place.

As noted above, on June 11, 2007 Compass Properties received a letter from the Commission providing notice of a hearing scheduled on June 18, 2007 for the permanent historic designation of the Property. We understand that in the ordinary course of events, the appeal of the interim historic designation would have been completed within 45 days and that if the interim historic designation had been upheld as a result of the appeals process, a hearing on the permanent historic designation would be required to be held by the Commission within 90 days after the interim historic designation pursuant to Milwaukee Code of Ordinances Section 308-81-10.5(g). However, in this instance, Compass Properties and ZND have agreed that more time was necessary for consideration of the appeal of the interim historic designation.

We believe that proceeding with the permanent historic designation hearing on June 18, 2007 and before the ZND has heard the appeal on the interim historic designation would be both inequitable and premature. A hearing on permanent designation on June 18, 2007 would cause the parties and the Commission to expend time and resources in a way which would not be necessary if Compass Properties ultimately prevails on its appeal of the interim historic designation. It would also put Compass Properties in the position of facing a permanent designation before it had an opportunity to be heard on its appeal of the interim designation.

On behalf of our client, Compass Properties, we respectfully request an adjournment of the June 18, 2007 hearing on permanent historic designation of the Property until after the appeal on the interim designation is heard by ZND and the Common Council.

To the extent the Commission is concerned with complying with the provision of the Milwaukee Code of Ordinances that requires the Commission to hold a hearing on the permanent historic designation of the Property within ninety (90) days from the initiation of the interim historic designation (Section 308-81-10.5(g)), Compass Properties would waive the right to have a hearing on the permanent designation within 90 days from the interim historic designation initiation date provided that the Commission act in accordance with the request set forth above.

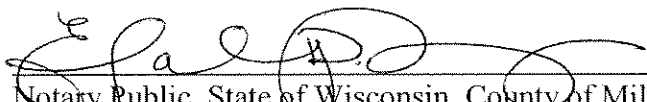
Mr. Rocky Marcoux  
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Page 3

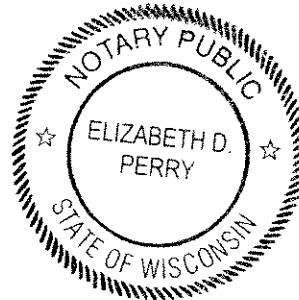
Thank you for your consideration of this matter.

Very truly yours,  
QUARLES & BRADY LLP

  
\_\_\_\_\_  
Matt Flynn  
*As Counsel for Compass Properties North  
Water Street LLC*

Subscribed and sworn before June  
me this 13<sup>th</sup> day of ~~May~~, 2007

  
\_\_\_\_\_  
Notary Public, State of Wisconsin, County of Milwaukee  
Commission expires: is permanent



cc: Alderman Michael D'Amato, Chair Zoning, Neighborhoods & Development Committee  
Alderman Robert Bauman, Member of the Historic Preservation Commission  
Mr. Jim Owczarski, Deputy City Clerk  
Mr. Timothy Stemper, Chair of the Historic Preservation Commission  
Commissioner Martin Collins, DNS  
Commissioner Jeff Mantes, DPW



# Exhibit A

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*Attorneys at Law in:*  
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Naples, Florida  
Chicago, Illinois  
Milwaukee and Madison, Wisconsin

CITY OF MILWAUKEE  
07 MAY 18 AM 11:09  
RONALD L. LEONHARDT  
CITY CLERK

Writer's Direct Dial: 414.277.5559  
E-Mail: eperry@quarles.com

May 17, 2007

**BY HAND DELIVERY**

Mr. Ronald Leonhardt  
City Clerk  
City of Milwaukee  
200 East Wells St.  
Milwaukee, WI 53202

RE: 070172- Appeal from the Interim Historical Designation of the Property Located at 733-743 N. Water Street, Milwaukee, Wisconsin

Dear Mr. Leonhardt:

We represent Compass Properties North Water Street LLC ("Compass Properties"), the owner of the property located at 733-743 North Water Street (the "Property"). Pursuant to Section 308-81-10.5(f) of the Milwaukee Code of Ordinances, Compass Properties appealed from the interim historical designation of the Property by the Historic Preservation Commission. The hearing on the appeal was scheduled to be heard in front of the Zoning, Neighborhoods and Development Committee on Tuesday, May 22, 2007 (Item Number 7 of the agenda).

On behalf of our client, Compass Properties, we respectfully request an adjournment of this hearing until at least the next meeting cycle but no later than July 31, 2007. We understand that our request for an adjournment and rescheduling of the hearing will require the Common Council to be in conflict with the provisions of the Milwaukee Code of Ordinances, which require the Common Council to review an appeal from an interim designation within forty-five (45) days after receipt by the City Clerk of the appeal petition. Specifically, Section 308-81-10.5(f) states as follows: "the common council shall review the [historic preservation] commission's decision within 45 days after receipt by the city clerk of the appeal petition."

In order to proceed with the hearing adjournment and rescheduling and in order not to prejudice the interests of the Common Council, we hereby waive the right to have our request

Mr. Ronald Leonhardt  
May 17, 2007  
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heard within 45 days of submitting our appeal petition as long as the hearing is heard on or before July 31, 2007.

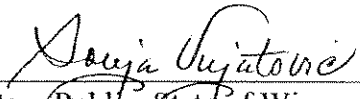
Very truly yours,  
QUARLES & BRADY LLP

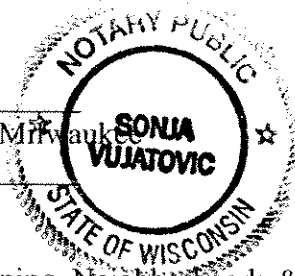


Elizabeth D. Perry  
John Rothstein  
Matt Flynn

*As Counsel for Compass Properties North  
Water Street LLC*

Subscribed and sworn before  
me this 17th day of May, 2007

  
Notary Public, State of Wisconsin, County of Milwaukee  
Commission expires: 10-28-07



cc: Alderman Michael D'Amato, Chair Zoning, Neighborhoods & Development Committee  
Mr. Jim Owczarski, Deputy City Clerk