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April 19, 2007

CITY OF MILWAUKEE  
07 APR 20 AM 10:02  
RONALD LEONHARDT  
CITY CLERK

**BY HAND DELIVERY**

Mr. Ronald Leonhardt  
City Clerk  
City of Milwaukee  
200 East Wells Street, Room 205  
Milwaukee, Wisconsin 53202

**RE: Petition of Appeal of Interim Historic Designation for the First National Bank/First Wisconsin National Bank Building, 733-743 North Water Street, Milwaukee, Wisconsin**

Dear Mr. Leonhardt:

This firm represents Compass Properties North Water Street LLC (“CP North Water Street”), owner of the property located at 733-743 North Water Street, Milwaukee, Wisconsin (the “Property”). On April 16, 2007, the Historic Preservation Commission of the City of Milwaukee (the “Commission”) voted to designate the Property as historic, on an interim basis, in accordance with the provisions of Section 308-81-10.5 of the Milwaukee Code of Ordinances.

Pursuant to Milwaukee Code of Ordinances Section 308-81-10.5(f), CP North Water Street hereby appeals the Commission’s decision to grant interim historic designation of the Property and hereby petitions the Common Council to review the Commission’s decision. CP North Water Street hereby reserve all rights to object to the interim designation of the Property pursuant to Section 308-81-10.5.



**PROTEST AGAINST PROPOSED HISTORIC DESIGNATION**  
**(Rezoning)**

Based on the letter from Mr. Rocky Marcoux, Executive Secretary of the Historic Preservation Commission of the City of Milwaukee dated April 4, 2007 (the "Letter"), Compass Properties North Water Street LLC (the "Owner") understands that its real property described in the Letter as 733-743 North Water Street, Milwaukee, Wisconsin, which is further described on EXHIBIT A attached hereto (the "Property"), is proposed to be designated as a historic structure on an interim basis pursuant to the Milwaukee Code of Ordinances, Section 308-81-10.5 until such time as a hearing and final determination regarding the historic designation of the Property is made pursuant to Section 308-81-8. By action of the Historic Preservation Commission of the City of Milwaukee at a meeting held on April 16, 2007 such interim designation was made.

Pursuant to Subsection 62.23(7)(d)2m of the Wisconsin Statutes, the Owner protests any interim or permanent designation of the Property as a historic structure under the Milwaukee Code of Ordinances. Subsection 62.23(7)(d)2m of the Wisconsin Statutes allows land owners affected by a proposed rezoning to protest such rezoning. The Owner respectfully submits that the historic designation of the Property is effectively a rezoning of the Property because the authority of the City of Milwaukee to undertake historic preservation regulation stems from Section 62.23(7)(em), which is a part of the statutory zoning enabling legislation. Therefore, the protest protections of 62.23(7)(d)2m should apply to a proposal for historic designation.

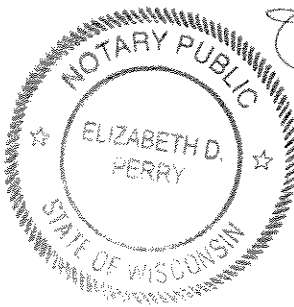
COMPASS PROPERTIES NORTH  
WATER STREET LLC

By: [Signature]  
Print Name: Sheldon Oppermann  
Its: REGIONAL MANAGER

STATE OF WISCONSIN    )  
                                  )  SS  
MILWAUKEE COUNTY    )

The foregoing Protest Against Proposed Historic Designation (Rezoning) was acknowledged before me on the 20th day of April, 2007 by Sheldon Oppermann as Regional Manager of Compass Properties North Water Street LLC.

[Signature]  
Notary Public, State of Wisconsin  
My commission is permanent



CITY OF MILWAUKEE  
DONALD J. LEONARD  
CITY CLERK  
07 APR 20 AM 11:02

## EXHIBIT A

The Property is included in the following legally described Parcels:

### **Parcel A:**

Lots 1 & 2, Block 2, Plat of the Town of Milwaukee on the East side of the River, being a Subdivision of a part of the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin.

Tax Key No. 392-0601-110-X

Address: 735 North Water Street

And

### **Parcel B:**

Lot 11, excepting the South 20 feet thereof and all of Lot 12, Block 9, in the Plat of the Town of Milwaukee on the East side of the River, being a Subdivision of a part of the Northeast 1/4 of Section 29, Town North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No 392-0697-X

Address: 209 East Mason Street and 740 North Water Street.

**IN THE MATTER OF THE APPEAL OF COMPASS PROPERTIES NORTH WATER STREET LLC OF INTERIM DESIGNATION OF CERTAIN REAL PROPERTY LOCATED AT 733-743 NORTH WATER STREET, MILWAUKEE, WISCONSIN PURSUANT TO MILWAUKEE CODE OF ORDINANCES SECTION 308-81-10.5**

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**AFFIDAVIT OF MATTHEW J. FLYNN**

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STATE OF WISCONSIN    )  
                                          ) ss.  
MILWAUKEE COUNTY    )


CITY OF MILWAUKEE  
07 APR 20 AM 10:02  
JONALD V. FLYNN  
CITY CLERK

Attorney Matthew J. Flynn, being first duly sworn, says as follows:

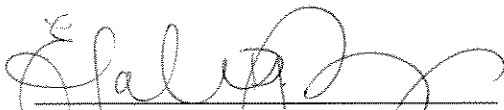
1. I represent Compass Properties North Water Street LLC, owner of certain real property located at 733-743 North Water Street (the "Property").
2. On April 16, 2007, I delivered an original signed and acknowledged Protest Against Proposed Historic Designation (Rezoning), (a "Protest"), to the Office of the City Clerk of the City of Milwaukee prior to the start of the meeting of the Historic Preservation Commission of the City of Milwaukee (the "Commission") held on that date.
3. During the course of the meeting of the Commission, a member of the staff of the Office of the City Clerk of the City of Milwaukee returned the Protest to me and informed me that no Protest could be filed in the Office of the City Clerk until such time as the Commission rendered a decision regarding the interim designation of the Property and an appeal thereto was filed in accordance with the provisions of Section 308-81-10.5 of the Milwaukee Code of Ordinances.
4. The Commission on April 16, 2007 granted interim designation of the Property. A signed and acknowledged appeal petition is being delivered to the Office of the City Clerk of the City of Milwaukee simultaneously herewith.

5. While we believe the attempted filing on April 16 was valid, we again submit a Protest executed and acknowledged by Compass Properties North Water Street LLC.

Dated this 20th day of April, 2007.

  
Matthew J. Flynn, Esq.

Subscribed and sworn to before me  
this 20th day of April, 2007.

  
Notary Public, State of Wisconsin  
My Commission is permanent

