

Askin, Tim

From: Owczarski, Jim
Sent: Thursday, March 09, 2017 11:54 AM
To: Hatala, Carlen; Askin, Tim
Cc: Williams, Kathleen
Subject: FW: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church
Attachments: OPINIONS-#37958-v1-2008-0909-DCD.PDF

Carlen/Tim -- Please note the attached and below. Good, straight-forward answer, I think me.

Kathy ó Please confirm if this is or is not in our database of opinions. If it is not, please add it and index?

Thanks to all.

Jim

Jim Owczarski, CMC
City Clerk
(414)-286-2998
@mkeclerk

From: Kennedy, Rachel
Sent: Thursday, March 09, 2017 11:22 AM
To: Owczarski, Jim
Subject: RE: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church

Good morning Jim,

After some research and discussing with others in the City Attorney's office, our position is that HPC's jurisdiction is limited to the language of 320-21-11-g and g-1, which state:

g. Criteria; Certificates to Allow Alteration, Reconstruction, Rehabilitation or New Construction. In determining whether to grant, grant with conditions or deny a certificate of appropriateness to allow alteration, reconstruction, rehabilitation or new construction, the commission shall consider any applicable factors listed in sub. 12 and any of the following:

g-1. Whether the proposed work would destroy or adversely affect any exterior architectural feature of the improvement upon which the work is to be done or adversely affect the external appearance of other improvements on the site or within the district.

Applied here, HPC has jurisdiction over the "connector" as Carlen calls it as it affects the historic structure but no jurisdiction over the newly added property or improvements on the newly added property. However, the HPC may apply the preservation guidelines outlined in the Beth Israel Synagogue Study Report, subject to Common Council's amendment to the adopted guidelines per 320-21-10.

When the historic classification is a site or district, the ordinance provides HPC more jurisdiction.

I have attached a City Attorney Opinion from September 9, 2008 that pertains to this issue and helped inform us on this analysis.

Please let me know if you have any questions.

Sincerely,
Rachel

Rachel Kennedy | Assistant City Attorney | Milwaukee City Attorney's Office
200 E Wells Street | Milwaukee, WI 53202 | Direct line: 414.286.6192 | Email: rkenne@milwaukee.gov

From: Owczarski, Jim
Sent: Friday, March 03, 2017 3:06 PM
To: Kennedy, Rachel
Subject: RE: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church

All attachments (19 of them, no less) are here:

<https://milwaukee.legistar.com/LegislationDetail.aspx?ID=2961206&GUID=FEDE1F5F-8E86-4820-AF5C-3052CA4E8FDE&Options=ID|&Search=161524>

Thanks very much for looking at this.

Jim

Jim Owczarski, CMC
City Clerk
(414)-286-2998
@mkeclerk

From: Kennedy, Rachel
Sent: Friday, March 03, 2017 2:22 PM
To: Owczarski, Jim
Subject: RE: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church

Hi Jim,

Mary has assigned this case to me. Could the full Historic Designation Study Report for the Beth Israel Synagogue be sent to me? I received only the first page of the report.

Thanks,
Rachel

Rachel Kennedy | Assistant City Attorney | Milwaukee City Attorney's Office
200 E Wells Street | Milwaukee, WI 53202 | Direct line: 414.286.6192 | Email: rkenne@milwaukee.gov

From: Owczarski, Jim
Sent: Thursday, February 23, 2017 11:21 AM
To: Moschella, Vincent
Subject: FW: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church

So, here's one we've not encountered before.

I am inclined to think that, as this is not a district, the merger of the properties does not mean the formerly separate, non-designated property magically becomes designated.

This, however, is evidently a matter for the dark art of real estate law!

Jim Owczarski, CMC
City Clerk
(414)-286-2998
@mkeclerk

From: Hatala, Carlen
Sent: Thursday, February 23, 2017 10:44 AM
To: Owczarski, Jim
Cc: Askin, Tim
Subject: Legal Opinion Beth Israel Synagogue now Greater Galilee Baptist Church

Attached is the boundary map for the historic designation of the Beth Israel/Greater Galilee as shown by Les Vollmert.

The church was designated as a "structure" and you can see the metes and bounds legal description from 1989 that describes the designation as "Part of Tax Key No. 324-9903-111". The Preservation Guidelines address additions and new construction.

Since the building has been designated, the church has been acquiring property around the building, removing adjacent houses and are now preparing for a new multi-use building that will be connected to the original church by a masonry connector.

The church is combining the site of the proposed multi-use building and its original church building into one tax key parcel.

In historic districts, when property outside the district is added to a property within the district, that parcel becomes part of the historic district.

In this case, with the designation of a single building, when property is added does HPC have jurisdiction over that newly added property? We know for sure that the connector will be reviewed by HPC since it impacts the historic church itself.