



411 East Wisconsin Avenue
Suite 2040
Milwaukee, Wisconsin 53202-4497
Phone: 414/277-5000
FAX: 414/271-3552
414/277-5591

Attorneys at Law in
Milwaukee and Madison, Wisconsin
Phoenix and Tucson, Arizona
Chicago, Illinois
Naples, Florida

FAX TRANSMITTAL COVER SHEET

To: Alderman D'Amato

Company:

Fax number: 286-3456

Phone number:

From: John W. Daniels, Jr.

Phone number:

Senders direct fax:

Number of Pages (including cover sheet): 05

Date & Time Faxed: Monday, April 30, 2007 8:39:32 AM

Message:

**THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL AND CONFIDENTIAL
FOR THE RECIPIENT(S) NAMED ABOVE.
IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND
RETURN THIS MESSAGE TO US BY MAIL. THANK YOU.**

**IN CASE OF ANY TRANSMISSION PROBLEM,
CALL (414) 277-5595 EXCEPT AFTER 5:30 PM CENTRAL TIME, CALL (414) 277-5404**



411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497
Tel 414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in:
Phoenix and Tucson, Arizona
Naples, Florida
Chicago, Illinois
Milwaukee and Madison, Wisconsin

Writer's Direct Dial: 414.277.5103
E-Mail: jwd@quarles.com

April 30, 2007

VIA FACSIMILE

Alderman Michael D'Amato
Chair of Zoning and Development Committee
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202-3570

Dear Alderman D'Amato:

I'm forwarding to you a letter which we request be included as part of the file in connection with the item on your May 1, 2007 agenda (item 061436 involving the Menomonee Valley). It is our understating which has been confirmed by city officials and at the planning commission that the matter is described in this letter accurately describes the impact of the zoning change. If you have any questions, please feel free to call.

Very truly yours,

QUARLES & BRADY LLP

John W. Daniels, Jr.

A large, stylized handwritten signature in black ink, overlapping the typed name and extending across the right side of the page.

JWD:vhruby

Copy: Dave Misky
Vanessa Koster



411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497
Tel 414.277.5000
Fax 414.271.3552
www.quarles.com

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

Writer's Direct Dial: 414.277.5103
E-Mail: jwd@quarles.com

March 26, 2007

VIA FACSIMILE

City Plan Commission
Milwaukee Department of City Development
809 N. Broadway
Milwaukee, WI 53202

RE: Menomonee Valley

Ladies and Gentlemen:

We are aware that you are scheduled to consider a proposed zoning modification ("Zoning-Development Incentive Zone" or "ZDIZ") with respect to the Menomonee Valley at your Plan Commission meeting presently scheduled for March 26, 2007. We represent an owner of a property located in the Menomonee Valley that could be affected by the change in zoning and we are very concerned that there be absolute clarity with respect to this proposed change. Attached as Exhibit A is a general description of our client's operation and business. We have met with the Department of City Development staff in connection with this proposal and it is our desire to work with the City; however, we want to be absolutely clear with respect to certain matters and we would appreciate those matters being confirmed at the public hearing in connection with this proposed change to the zoning code. Those matters are as follows:

1. ZDIZ impact on by sale or transfer. It is our understanding that the present use will continue to be permitted by our client, together such use(s) by any transferee of our client whether that transferee is an affiliate of our client or an unrelated third party, including any transfer that occurs by sale, lease or other conveyance.
2. ZDIZ impact on repair or of damage of casualty. We have been advised that in the event of damage or casualty to our property that we would be able to reconstruct our premises without any additional approvals. We want to ascertain that no approvals are required no matter what the extent of the damage, notwithstanding any provision of the city code, including but not limited to Section 295-415 (including 295-415(2) a-3, (d) and (e)).

City Plan Commission
March 26, 2007
Page 2

3. Method of Operation. In our present use, our sales and other persons are not physically located at the facility. It is our understanding that present operations are permitted, notwithstanding that we do not have sales or other administrative functions located at the facility (and will be continued to be permitted after adoption of the ZDIZ).

Very truly yours,

QUARLES & BRADY LLP

John W. Daniels, Jr.



JWD:blg

cc: David Misky
Vanessa Koster

EXHIBIT A

The Milwaukee Distribution Terminal ("MDT") consists of sixteen (16) storage silos, with a total storage capacity of approximately thirty thousand (30,000) tons of product.

The MDT currently receives cement in bulk via rail for storage and distribution to customers in bulk sale via truck or rail. The MDT owns property that would also allow for distribution of product to customers via barge. Generally, between five (5) and thirty-five (35) trucks are loaded at the facility per day. Rail cars are received at the MDT daily.

The MDT also receives fly ash from nearby power plants, which it stores for and distributes to a particular customer.

The facility generally operates for 12 hours per day, from 4:45 AM to 4:45 PM, but can operate 24 hours day in peak season. The MDT currently operates with six (6) full time employees.

Currently sales of product stored at the facility are made by salesmen located in Illinois, Indiana and Wisconsin. There is no sales force located at the terminal itself.

NOTICE & AGENDA

BOARD OF HARBOR COMMISSIONERS CITY OF MILWAUKEE

Meeting of May 4, 2007

8:00 a.m.

Port of Milwaukee

2323 S. Lincoln Memorial Drive

Notice of Executive Session

Motion to Convene in Executive Session. The Board of Harbor Commissioners may Convene in Executive Session, under the Provisions of Section 19.85(1)(e) Wisconsin Statutes, to Discuss the Renewal of the Port's General Cargo Lease Concession held by Federal Marine Terminal and to Discuss the Port's Mission Statement and Strategic Goals. After the Executive Session, the Board of Harbor Commissioners may Reconvene in Open Session to Act Upon Matters Discussed in Closed Session and to Consider other Matters on the Agenda.

MINUTES

- 1) Approve March 9, 2007 & April 13, 2007 Minutes

ACTION POSSIBLE

- 2) Approve Specialty Restaurant Amendment to Operating License Agreement & Easement
- 3) Approve Public Parking Spaces at Specialty Restaurant
- 4) Approve Construction Design for Patio Walls at Specialty Restaurant
- 5) Approve North American Biodiesel Lease Agreement

INFORMATIONAL

- 6) Update on Crane Study Results and Recommendations (verbal)
- 7) Review Status of Army Lease Termination (verbal)
- 8) Review Remaining 2007 Lease Renewals (verbal)
- 9) Marketing Committee Update (verbal)

NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the ADA Coordinator at 286-3511 or by writing to the Coordinator at 2323 S. Lincoln Memorial Drive, Milwaukee, WI 53207.