

PRESERVE OUR PARKS, INC.
1845 NORTH FARWELL AVENUE, SUITE 100
MILWAUKEE, WISCONSIN 53202



A nonprofit, nonstock corporation dedicated to the preservation of public parks and green space.

July 1, 2013

Milwaukee County Executive Chris Abele
Milwaukee County Courthouse
901 N. 9th Street, Room 306
Milwaukee, WI 53233

Dear County Executive Abele:

The history of the area now occupied by the Milwaukee County Transit Center, as well as official survey plats and other maps, established conclusively that most of the site is filled lakebed land. Consequently, under Article IX, Section 1, of the Wisconsin Constitution and the body of law known as the Public Trust Doctrine, the Transit Center site cannot be used for private development nor sold to a private party. The land must be devoted to a public purpose, for the benefit of the public.

The rights granted to the public with respect to lakebed lands by the Wisconsin Constitution cannot be canceled by the legislature. The provisions in the new budget bill relating to Milwaukee's lakefront are null and void. Since Article IX, Section 1, grants rights to "inhabitants of the state" and also to "citizens of the United States," actions to prevent violations of the Doctrine can be brought in state court or in federal court by citizens of other states.

Preserve Our Parks will see any sale by Milwaukee County for private development of the eastern two-thirds of the area now occupied by the Transit Center as an actionable violation of the Public Trust Doctrine and the Wisconsin Constitution. As you know, we have a history of taking action to preserve the free, open and clear nature of Milwaukee's lakefront and to protect the public rights in what was once part of Lake Michigan. We stand ready to do so again.

We have gathered many maps showing the Lake Michigan shoreline running through the western portion of the area now occupied by the Transit Center. Many are official public records. The maps were found at the office of Milwaukee's City Engineer, the Register of Deeds, Office of Public Land Commissioners, Milwaukee County Historical Society, and in commercial plat books and in the Map Collection at UWM Library's Digital Collection. We also have historical records establishing that the eastern part of the site was filled by the railroad.

Milwaukee County had an opportunity to resolve any issues about the location of the historic shore of Lake Michigan as it relates to the Transit Center. In February, the County

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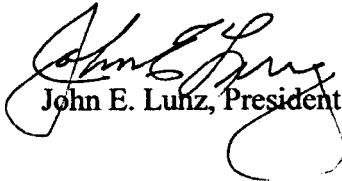
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Board authorized the filing of an action under Chapter 841 of the Wisconsin Statutes for a court determination of the County's rights in the property. Rather than going to court where evidence could be presented and the matter settled, your office chose to seek help from the legislature, evidently believing that a court action would be likely to result in a ruling that (a) the eastern two-thirds of the Transit Center site is filled lakebed land, and (b) Wisconsin law prohibits its sale for private development.

We and many others would like to see the Couture being built in Milwaukee. We urge you to lead an effort to find an appropriate site for the project, one that is not required by law to be used only for public purposes.

Yours truly,

PRESERVE OUR PARKS, INC.



John E. Lutz, President

cc:

County Board Chairwoman Marina Dimitrijevic

County Supervisor Patricia Jursik

County Supervisor Gerry Broderick