

From: [James Gesbeck](#)
To: [Planning](#); [Wells, Chris](#); [Plan Commission Comments](#)
Cc: rprocter@axley.com
Subject: Madison Legistar 86419: Procedural Objection to Demolition Permit Application for 2121 Jefferson Street (Half Parcel) and 1007 Edgewood Avenue (Half Parcel)
Date: Tuesday, January 7, 2025 8:03:02 AM

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Dear Planning Staff,

I am writing to submit my procedural objections to the demolition permit application for the properties located at 2121 Jefferson Street (Half Parcel) and 1007 Edgewood Avenue (Half Parcel), as submitted by "Edgewood Property LLC." These objections are based on significant issues regarding the eligibility of the applicant and the ownership of the properties in question. I intend to provide additional substantive objections to this demolition request in due course.

Non-Existent Applicant

The listed applicant, "Edgewood Property LLC," does not legally exist. According to the State of Wisconsin Department of Financial Institutions, there is no record of any entity registered under the name "Edgewood Property LLC" in Wisconsin. As such, this entity cannot own property in Wisconsin, nor can it submit a valid application for a demolition permit under Madison General Ordinance (MGO) Section 28.185. A permit issued to a non-existent entity would be void ab initio, as it lacks the legal foundation for approval.

Ownership Discrepancy

According to the City of Madison Assessor's Office, the properties at 2121 Jefferson Street (Half Parcel) and 1007 Edgewood Avenue (Half Parcel) are not owned by "Edgewood Property LLC." This discrepancy further underscores the illegitimacy of the application. MGO Section 28.185(4) requires an "eligible applicant" with a legally enforceable interest in the properties. An eligible applicant is further defined by MGO Section 28.181(2). The failure to establish such eligibility renders this application procedurally defective.

Completeness Review Under MGO Section 28.181(4)

MGO Section 28.181(4) establishes that no application is complete unless all required information is included. Specifically:

"(a) No Application is complete unless all of the required information is

included and all application fees have been paid. The Zoning Administrator may refuse to accept an incomplete application."

Given that the applicant is a non-existent entity, and ownership of the properties has not been properly established, the application is inherently incomplete and should not have been accepted by the City for review.

Professional Oversight

This application was submitted by Attorney Robert C. Procter of Axley, an experienced legal professional specializing in real estate law. As a partner at Axley and the leader of the firm's Business Practice Group, Mr. Procter's extensive background in real estate and construction law makes this oversight particularly egregious. This is not a case of an unsophisticated landowner making an innocent mistake but rather a failure by a knowledgeable professional to ensure compliance with the City's ordinances.

Precedent for Legal and Procedural Compliance

The City must adhere to the procedural requirements outlined in MGO Section 28.185 to preserve the integrity of the planning process. The recent case involving the development at 3722 Speedway Road demonstrates the consequences of procedural missteps, including litigation and the need to re-issue a conditional use permit. Approving the current application as filed would not only violate the ordinance but also risk similar legal challenges.

Request for Rejection and Resubmission

In light of these procedural deficiencies, I respectfully request that the City reject the current demolition permit application for file number 86419. A new application should be submitted by a valid, legally recognized entity with a demonstrable and enforceable interest in the properties.

These objections are focused solely on the procedural failings of this application. I will be providing further substantive objections to the demolition request, which I trust will also be given full and fair consideration.

Thank you for your attention to this matter. I look forward to the City acting in accordance with its stated purpose of ensuring the health, prosperity, safety, and welfare of the people by rigorously enforcing its ordinances.

Sincerely,

James Gesbeck

9302 Harvest Moon Lane

Verona, WI 53593

NB: This is a City of Madison property but serviced by a Verona postal code.

CC: Robert C. Procter, Axley Brynelson, LLP