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February 2, 2011

To: Board of Public Works
City of Madison
210 Martin Luther King Jr. Blvd.
Madison WI 53703

From: Attorney Scott Herrick, as legal counsel to 122 State Street Group LLC

Re.: Notice of Appeal from "Notice of Encroachment Violation" dated January 3, 2011
Subject real estate: 122 State Street

My client 122 State Street Group LLC, the owner of 122 State Street, appeals from the referenced Notice of Encroachment.

My client is awaiting response to its Application for Privilege in Streets dated and filed January 17, 2011. Action on that Application may resolve the issues and concerns raised in the referenced Notice of Encroachment. My client files this Notice of Appeal to preserve its rights while action on the Petition is pending. Meanwhile, in order to avoid confusion and unnecessary duplication of efforts, we respectfully suggest that action on this appeal be deferred.

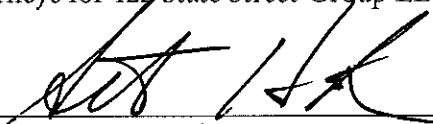
The basis of this appeal is difficult to state concisely before my client learns the City's position and decision on the pending Application. Stated most generally, my client through the pending Application has recognized its responsibility for certain encroachments which the City has recently brought to its attention, and has duly requested the standard Privilege in Streets for those encroachments, on the standard basis.

However, the January 3 notice from the City implies or may imply that my client may also be responsible for an additional "encroachment," i.e., for usages on a small piece or parcel of land presumably owned by the City. My client does not recognize responsibility for that "encroachment." In short, my client does not own that land, did not ever own it, does not use it, did not ever use it, and had no knowledge of it prior to recent conversations with City staff. Upon investigation my client believes that the individual from whom my client bought the property also had no knowledge of or

connection with the land in question and the associated "encroachment." Under these circumstances my client has not sought a privilege in streets for the "encroachment" in question.

Please advise me regarding the next step and calendar in this appeal process.

Attorneys for 122 State Street Group LLC



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SH/hs