

CITY OF MILWAUKEE

Form CA-43

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January 9, 2006

Aardwolf Properties, LLC
350 West Green Tree Road
Glendale, WI 53217

RE: Aardwolf Properties, LLC
C.I. File No: 05-S-371

Dear Sir/Madam:

We have received your claim in the amount of \$3,448.00, relating to damage sustained to your property at 2165 North 42nd Street when the City of Milwaukee police made forced entry on November 22, 2005.

Our investigation reveals that the Milwaukee Police Department (MPD) executed a lawful search warrant which necessitated the use of forced entry. This use of force is authorized by §968.14 of the Wisconsin Statutes. The MPD seized marijuana, currency and other items related to the drug activity at this location. Since the MPD's use of force was authorized and they were acting within their sphere of responsibility the City cannot accept liability for your property damage and we are denying this portion of your claim.

In addition, the MPD ordered the premises secured by means of a board-up by the Department of Public Works (DPW). The board-up was completed since the MPD was unable to contact the owner while on scene. Regarding the building board-up charges of \$198.00, the DPW records indicate that on November 23, 2005 a Special Charge notice was mailed to Aardwolf Properties, LLC at 350 West Green Tree Road, Glendale, WI 53217, pursuant to §309-72-1, Milwaukee Code of Ordinances. This indicated that you had 30 days from the date of the notice to appeal the necessity and/or the amount of the charge to the Administrative Review Appeals Board accompanied by a \$25.00 payment of the processing fee. The ordinance does not provide for

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extensions of this time limit or further appeal. The City Clerk's Office records indicate that you did not file a timely appeal and payment. Therefore, based upon your failure to file a timely appeal and payment, the City will not consider your claim from this any further.

If you wish to appeal the police damage portion of your claim, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT E. LANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
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