

January 27, 2004

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Barry W. Givens
C.I. File No. 03-L-161

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Barry W. Givens, 3926 North 44th Street, Milwaukee, WI 53216, alleges that on or about September 26, 2003 his 1977 Ford Thunderbird and 1987 Mercury Sable were towed from his property by the Department of Neighborhood Services (DNS). He now seeks damages in the amount in the amount of \$4,000.00 for the Thunderbird and \$1,000.00 for the Mercury Sable, for a total of \$5,000.00.

Our investigation reveals that both autos were identified as nuisance vehicles and were placarded on September 5, 2003. The nuisance vehicle orders were mailed to the listed property owner, Barry Givens on September 9, 2003. Mr. Givens spoke with the department and was granted an extension until September 23, 2003 to remove the vehicles. The condition of the vehicles remained unchanged when a re-inspection was completed on September 23, 2003. The vehicles were referred for towing and subsequently towed on October 10, 2003.

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The City followed appropriate procedures in this matter and as such, it cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1053-2003-4040:77133