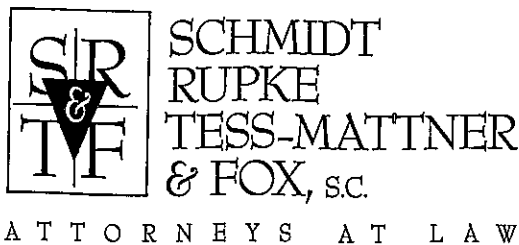


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Of Counsel:  
Walter F. Schmidt  
John E. Rupke  
Suzanne K. Schalig

RECEIVED

DEC 9 - 2014

OFFICE OF  
CITY ATTORNEY

December 5, 2014

Jim Owczarski  
City of Milwaukee Clerk  
200 E. Wells Street #205  
Milwaukee, WI 53202-3567

Re: Alley issue at 4830 W. Vliet Street  
C.I File No.: 1029-2014-2449  
Our Client: 4830 W. Vliet Street, LLC  
Our File No.: 14166

Dear Mr. Owczarski:

Please be advised that this law firm has been retained by and represents 4830 W. Vliet Street, LLC. We previously submitted a Notice of Circumstances of Claim and Claim on behalf of our client relating to an unimproved alley between our client's property at 4830 W. Vliet Street and the property to the south at 1420 N. 49 Street. The City of Milwaukee has reviewed the claim and in a letter dated November 5, 2014, and received by this office on November 18, 2014, has denied any liability for the damages occurring to our client's property by the current state of the unimproved alleyway.

Based on this determination, 4830 W. Vliet Street, LLC hereby appeals this decision and requests a hearing on this matter.

If you have any questions regarding the above, please contact me. Thank you.

Yours very truly,

SCHMIDT RUPKE TESS-MATTNER & FOX, S.C.

Teresa L. Rickert  
tlr@srtf-law.com

cc: Kurt & Patricia Froebel  
4830 West Vliet Street, LLC

CITY OF MILWAUKEE  
2014 DEC - 8 AM 9:40  
CITY CLERK'S OFFICE

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SEP 2 2014

OFFICE OF  
CITY ATTORNEY

CITY OF MILWAUKEE  
NOTICE OF CIRCUMSTANCES  
OF CLAIM AND CLAIM

SEP -2 A 10 21

CITY CLERK'S OFFICE

*Shannon*

To: Jim Owczarski, Clerk  
City of Milwaukee  
200 E. Wells Street #205  
Milwaukee, WI 53202-3567  
Attn: Claims

TITLE \_\_\_\_\_  
SERVED UPON & ADDRESS \_\_\_\_\_  
 PERSONAL       SUBALTE  
 POSREQ         CORPORATE

Please take notice that Schmidt, Rupke, Tess-Mattner & Fox, S.C., 17100 West North Avenue, Brookfield, Wisconsin 53005, has been retained by 4830 West Vliet Street, LLC ("The LLC") and makes the following written notice of circumstances of claim and claim on behalf of our client pursuant to Wis. Stat. sec. 893.80(1d)(a) and (b).

The LLC is the owner of the property located at 4830 W. Vliet Street, which houses a Suds Your Duds coin operated laundry. The LLC's property is located downhill and immediately to the south of a home owned by Michael and Susan Brehm ("Brehms"), 1420 N. 49<sup>th</sup> Street, Milwaukee. The two properties are separated only by an unimproved City of Milwaukee alley.

Due to the condition of the unimproved City of Milwaukee alley, The LLC has incurred significant damage to its property caused by drainage of storm water and other materials from the Brehms' property onto The LLC's property. This nuisance is continuing and ongoing, not an isolated incident, which occurs with any drainage of storm water causing continuing problems at The LLC's property.

At times of significant rainfall, storm water and other materials collected by the storm water drains from the Brehms' property into the Suds Your Duds building located on The LLC's property. The drainage, unfortunately, often includes pet feces and urine that has been deposited on the Brehms' property and/or the City's alley. The LLC is of

the belief that the City's failure to improve the alley or failure to maintain the alley has caused the continuing water infiltration problems into the interior of its property. Specifically, the Brehms have been allowed to fill the City's alley in order to accommodate their parking needs, which have caused the water infiltration into the Suds Your Duds building.

A recent rainfall underscores the problem. In mid-June 2014, a significant rain event occurred. Substantial storm water drained from the Brehms' property across the alley and infiltrated the Suds Your Duds building through the north wall of the Suds Your Duds building. The drainage, as it was approaching the Suds Your Duds building, picked up and collected pet feces and urine, all of which entered the Suds Your Duds building through the north concrete block wall. The LLC was forced to expend a significant amount of time to clean up the damage located inside the building.

The LLC is no longer willing to accept the situation as it exists. The LLC therefore demands that you correct the condition of the City's alley such that no further infiltration of storm water and other materials into the Suds Your Duds building occurs.


The City of Milwaukee has violated certain ministerial, non-discretionary duties and obligations in allowing the condition of the City's alley to be unimproved, not maintained and/or to be kept in a condition of disrepair. The failure of the City of Milwaukee to maintain the alley has caused The LLC to incur significant damage to its property in an amount as yet to be determined. The LLC requests that the condition of the alley be assessed and repaired to allow proper drainage of storm water in the alley.

The LLC claims reimbursement of its expenses in cleaning and repairing its property in an amount to be determined.

This Notice of Circumstances of Claim and Claim are presented and served pursuant to both Wis. Stat. secs. 893.80(1d)(a) and (b). No further document or claim, short of suit, will be filed on behalf of The LLC.

Dated this 26th day of August, 2014.

SCHMIDT, RUPKE, TESS-MATTNER & FOX, S.C.  
Attorneys for 4830 West Vliet Street, LLC

By:   
Teresa L. Rickert  
State Bar No. 1052310

CITY OF MILWAUKEE  
2014 SEP -2 AM 9: 28  
CITY CLERK'S OFFICE

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