

SALEM EVANGELICAL LUTHERAN CHURCH

6840 North 107th Street • Milwaukee, Wisconsin 53224-4306

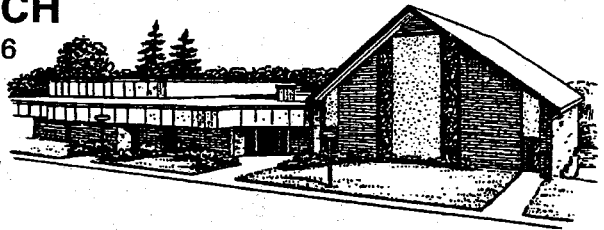
Church: (414) 353-8141 School: (414) 353-8190 Fax: (414) 353-5819

Birthplace of the Wisconsin Synod

Pastor Daniel W. Simons
11034 W. Green Tree Rd
Milwaukee, WI 53224
Parsonage: 353-8814

Pastor Mark S. Voss
6671 N. 107th Street
Milwaukee, WI 53224
Parsonage: 353-7930

Principal Steven C. Carlovsky
8939 W. Hustis Street
Milwaukee, WI 53224
Home: 358-3044



May 23, 2001

City Clerk
ATTN: CLAIMS
200 E Wells St Room 205
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE
01 MAY 23 PM 12:11
RONALD D. LEONHARDT
CITY CLERK

Gentlemen:

Salem Evangelical Lutheran Church, 6840 N 107th Street, (the claimant) hereby submits the following information in support of its claim for the cost of infrastructure repairs in the public right-of-way and for related damages on adjoining property pursuant to Section 893.80(1), Wis. Stats.

A. Circumstances of the Claim

The city crew responding to our report of a major water line break in the 6800 block of N. 107th Street advised that it was not the city's responsibility to make the necessary repairs, even though the gate valve to shut off the water supply was located at the western edge of and in the southbound roadway opposite the break. They reasoned that such repairs were the responsibility of the adjoining property owner (i.e. Salem), because the break was in a branch lateral of the street main which appeared to be gushing from a point in the grassy area east of the northbound roadway presumed to be east of an assumed, but non-existent, street curb line. To our knowledge, no exact measurements were made to substantiate that fact. Consequently, we contacted for the subject repairs and for other services incidental to the break.

Then, as now, we believe the city of Milwaukee should have been the entity primarily responsible for the cost of repairs in this matter for the following reasons:

1. The gate (i.e. shut-off) valve controlling the failed lateral is not located anywhere near private (i.e. Salem) property or on the street lot line as normally installed, but in the west, the (southbound) roadway of N. 107th Street just a few feet more or less east of the west edge of the 24-foot wide pavement. Even though this valve is in direct east-west alignment with the break location, the city crew responding to our call could not readily locate it to shut off the water in a timely manner when they first arrived at the site.

2. The section or failure point of the lateral repaired is located wholly within the grassy area of the public right-of-way, approximately two or more feet west of the east line of N. 107th

Street, fifty-five feet north of the fire hydrant located next to Salem's driveway at 6814 N. 107th Street and 16 feet south of the first utility pole north of the break location.

3. The nature of the failure in the subject lateral when observed after excavation has been appropriately described not as a crack(s) or shear in the sidewall due to cold temperatures at the time, but rather as a discernible 1-inch wide "hole" caused by extreme internal hydraulic pressure.

4. The Water Department's Florist Avenue pumping station reportedly shut down one or more pumps for maintenance purposes and experienced some difficulty in establishing normal uniform pressure throughout the system January 31st through February 2nd. It may not be coincidental, therefore, that breaks occurred at weak spots in city mains at numerous locations within the service area, including that in the "grassy area" adjoining our property, when swings of over-pressurization/under-pressurization in the system were caused by standby pumps put on-line to control pressure drops occurring at this time.

B. Statement of Relief and Damages Sought

Salem Lutheran Church, 6814-6840 N. 107th Street, Milwaukee, Wisconsin 53224, hereby respectfully requests that it be compensated fully for money damages in the specific amount of \$5,750 incurred by the claimant in connection with the incident described herein: \$5,400 for labor and materials to repair the subject water main break as quoted/billed; \$100 for topsoil and seeding the area excavated and otherwise damaged; and \$250 for the deductible portion of Salem's claim for water damage and cleanup services in and adjacent to its school buildings not reimbursed by insurance.

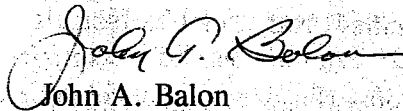
C. Description of the Incident

The subject incident occurred prior to 6:30 a.m. on Friday, February 2, 2001, at a point within the east one-half of the N. 107th Street right-of-way located between the east edge of the pavement and the west line of the claimant's property at 6814-6840 N. 107th Street. Teaching staff arriving at that time saw a tremendous amount of water spewing from the ground, flowing north through the roadside ditch, then branching off to the northeast and southeast in separate streams, inundating the church/school parking lot, lower portions of the playfield and some classroom floors. School for the day and bus service were canceled because of the dangerous conditions created on and adjoining its property, and the city was immediately notified of the break. Teachers and other church members rallied to minimize additional water damage and infiltration caused by the incident, while the city crew responding to the emergency scoured the area to find, somewhat unsuccessfully at first, and to close the valve stopping the flow of water from the main. Taking the initiative in this situation, we contracted with local firms to repair the break and to clean up water- and mud-damaged areas.

D. Additional Information Supporting Claim

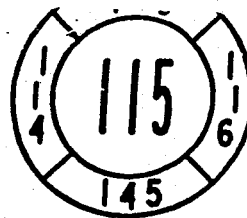
1. Itemized estimate and proof of payment(s) for water main break and site restoration: \$5,500.00 (Heiden Plumbing Co., Inc.) Attachment "A"
2. Proof of reimbursement for break-related services: \$1,128.70 (Paul's Carpet & Furniture Cleaning, Inc.); for the amount of the non-reimbursable insurance deductible: \$250.00 (Church Mutual Insurance Co.) Attachment "B"
3. Claimant contacts during business hours:
 Mr. Lee Miller, Trustee (414) 464-8371
 Mr. John Balon, Vice President (414) 353-1906
4. Photos of N. 107th Street in the immediate vicinity of the break location April, 2001: Attachment "C"

Respectfully Submitted,



John A. Balon
Vice President
Salem Evangelical Lutheran Church

JAB:vsh
Attachments



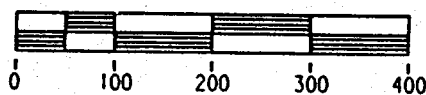
Attention

Attorney Robert Charlton

Claim # 01-L-75



COMPILED AND DRAWN BY
INFRASTRUCTURE SERVICES
CITY OF MILWAUKEE,
WISCONSIN



LEGEND

SECTION LINE ————
1/4 SECTION LINE ————
EXISTING STREET
AND ALLEY LINES ————
PROPOSED STREET
AND ALLEY LINES - - - - -
RAILROAD RIGHT-
OF-WAY LINES ————
RIGHT-OF-WAY ————
EASEMENT LINES - - - - -
R.O.W. JURISDICTIONAL
LIMITS
MILWAUKEE
CITY LIMITS - - - - -

14



Proposal

Page No. _____ of _____ Pages

HEIDEN

PLUMBING CO., INC.

2465 WEST VLIET STREET, MILWAUKEE, WISCONSIN 53205 - (414) 937-8420 - FAX (414) 937-8425

PLUMBING

HEATING

COOLING

#5615

PROPOSAL SUBMITTED TO:

DATE:

February 2, 2001

PHONE:

(414) 937-8420

NAME:

Salem Lutheran School

JOB NAME:

Emergency Main Break

STREET:

Attn: Rev. Mark Boss

STREET:

6844 N. 107th Street

CITY:

6840 N. 107th Street

CITY:

STATE:

STATE:

WI 53224

PHONE:

353-8190 & 353-7930

We hereby submit specifications and estimates for:

We propose to furnish labor, material, equipment and permits to do the following work:
REPAIR BROKEN WATER MAIN

We shall excavate down to broken water main in the grassy area, just east of the curb line, and located by City of Milwaukee.

We shall install a repair clamp to make repair on 3" or 4" leaking water main.

If water main pipe needs to be replaced an extra would be incurred.

We shall secure all permits and fees as necessary.

All work shall be inspected by City of Milwaukee Plumbing Inspection Department.

Please Note: If storm sewer or sanitary sewer have to be removed to make repair on water main, there will be extra permits, labor, and material charges.

Please Note: Down time due to miss-marked utilities by Digger's Hot Line, are Owner's responsibility, based on time and material.

Please Note: Finished landscaping is included - Topsoil & Seed
Owner is responsible to water.

THANK YOU FOR THIS OPPORTUNITY TO QUOTE TO YOU!!!

We hereby propose to furnish labor and materials -- complete in accordance with the above specifications, for the sum of

Five Thousand Five Hundred Dollars $\$5,500.00$ dollars (\$ 5,500.⁰⁰)

with payment to be made as follows:

Signed proposal to start job.

Payment due net upon completion

EXTRAS: Any extra work requested by owner and performed by Heiden shall be performed on a time and material basis (unless otherwise agreed in writing), including such overhead and profit as may then be standard for work of a similar nature and all such work shall be subject to all the terms and conditions hereof.

work shall be subject to all the terms and conditions hereof.

Authorized Signature

(PWS)

NOTE: This proposal may be withdrawn by us if not accepted within

30 days

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEIDEN NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION OF LAND AND BUILDING IF NOT PAID BY OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN SIXTY DAYS (60) OF THE FIRST FURNISHING OF LABOR OR MATERIALS FOR THE CONSTRUCTION, ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS/HER MORTGAGE LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

(OVER FOR OTHER GENERAL CONTRACT CONDITIONS)

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted:

Signature

Date

Signature

John

"A"

of Heiden

INVOICE SEE REVERSE SIDE



M.P. #5615

HEIDEN PLUMBING CO., INC.

SINCE 1925

2465 WEST VLIET STREET, MILWAUKEE, WISCONSIN 53205 - (414) 937-8420 - FAX (414) 937-8425
PLUMBING • HEATING • COOLING • REFRIGERATION • SHEET METAL • ELECTRICAL

BILL TO:

Salem Lutheran School
Attn: Mr. Steven Carlovsky Lee Miller
6840 N. 107th Street
Milwaukee, WI 53224-

pd 3-6-01
ck #31601

INVOICE DATE 02/06/2001
INVOICE NUMBER * 15715 *
ACCOUNT NUMBER 6029
P.O. NUMBER

JOB LOCATION:

6844 N. 107th Street, Milwaukee

SERVICES RENDERED

Water main break.

2/3/01:

Furnished labor & material to repair the water main break as quoted...\$5,500.00.

Thank you, we appreciate your business!!!

* per Valerie of Heiden 2-8-01

Deduct \$100 credit for topsoil,
Seed & landscaping

PM

LIEN RIGHTS: "AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHIN SIXTY DAYS (60) AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS/HER MORTGAGE LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID."

MATERIAL and / or SERVICE

5,500.00

STATE SALES TAX

0.00

TOTAL THIS INVOICE

5,500.00

\$5,400.00

Thank You

WE APPRECIATE YOUR BUSINESS

All invoices are due "NET" - 10th of the month following date of invoice. A finance charge of 1½% per month (Annual rate of 18%) will be added to all overdue amounts - Minimum charge of 50¢ per month.

ENDORSE HERE

PAY TO PARK BANK
MILWAUKEE, WISCONSIN 53202
→ 075000666
FOR DEPOSIT ONLY ACCT #610016903
HEIDEN PLUMBING COMPANY, INC.
SEP 11 2001 11:58 AM
FEDERAL RESERVE BANK OF MILWAUKEE

0320 86118

PARK BANK
7540 W. CAPITOL DR
MILWAUKEE, WI 53216
⑆075000666⑆

MAR - 6 01

0750000051
MIL BANK
03/07/01

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC
The front of the document is altered:
• Small word in signature line appears
as dotted line when photocopied
• Chemical alteration
• Stains or spots appear with
• Absence of "Original Document"
• Verbiage on back of check
Security features:
• Embeded Fiberization
• Watermark
• Security features
• Absence of "Original Document"
• Verbiage on back of check

SALEM EV. LUTHERAN CHURCH 1-66
6540 NORTH 107TH ST.
MILWAUKEE, WI 53224

PAY TO THE ORDER OF Heiden Plumbing Co., Inc.

Five thousand four hundred and no/100

Associated Bank
LANNON OFFICE
Milwaukee, WI 53101-0321

FOR #15715

SALEM EV. LUTHERAN CHURCH

TREASURER

David J. [Signature]

01 203 5211

⑆031601⑆⑆075000941⑆

⑆0000540000⑆

12-84/780

DATE March 6, 2001

\$ 5,400.00

***** DOLLARS ⑆

31601



3000 Schuster Lane
P.O. Box 342
Merrill, Wisconsin
54452-0342

Claim Check No. 1083933

M & I Citizens American Bank
Merrill, WI 54452

79-140
915

B

Pay Exactly

Eight Hundred Seventy Eight Dollars and 70/100 Cents

DATE	AMOUNT
02/27/01	\$*****878.70

VOID AFTER 180 DAYS

Pay to the Order of **SALEM EVANGELICAL LUTHERAN CHURCH**

[Signature]
AUTHORIZED SIGNATURE

⑈1083933⑈ ⑆091501408⑆ 10⑈111⑈1⑈

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.

Detach before depositing - Please cash within 30 days

Account/Policy No.: 0017171-02-926306
Claim No.: 0757112
Date of Loss: 02/01/01

Date of Check: 02/27/01
Check No.: 1083933

Insured: SALEM EVANGELICAL LUTHERAN CHURCH
MILWAUKEE, WI 53224
Claimant: SALEM EVANGELICAL LUTHERAN CHURCH
Description of Loss: WATER DAMAGE

Mail To: SALEM EVANGELICAL LUTHERAN CHURCH
6840 N 107TH ST
MILWAUKEE WI 53224



3000 Schuster Lane
P.O. Box 342
Merrill, Wisconsin
54452-0342

The above check reflects payment for the following:

Payment: \$878.70
Deductible Applied: \$250.00

\$1,128.70 Paul's Carpet & Furniture Cleaning, Inc
- 250.00 Less the deductible
\$ 878.70 Total amount of payment

pd 3-P-01
ck # 31608

If you have any questions concerning this check or your claim in general, please call 1-800-542-3465 and ask for Keith R. Schmelling, Ext. 4720.

SALEM EV. LUTHERAN CHURCH

6840 NORTH 107TH ST.
MILWAUKEE, WI 53224

1-66

31608

PAY
TO THE
ORDER OF

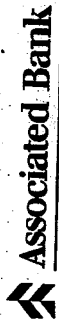
Paul's Carpet & Furniture Cleaning, Inc.

DATE March 8, 2001

12-84/750

\$ 1,128.70

One thousand one hundred twenty-eight and 70/100 ***** DOLLARS



LANNON OFFICE
Milwaukee, WI 53201-0522

SALEM EV. LUTHERAN CHURCH

TREASURER

FOR

Daniel J. [Signature]

⑈1725 E02 10 ⑈1196000540⑈ ⑈B097E0⑈

ENDORSE Pay to the order of
FIRST BANK OF KENOSHA
ECONOMOWOC, WI or Order
PAUL'S CARPET AND
FURNITURE CLEANING, INC.
149-569

* FEDERAL RESERVE BOARD OF GOVERNORS REG. CC
Security Features
• Watermark: When held to light, a watermark of the Lincoln Memorial is visible in the background.
• Color: The background color is a mix of green and yellow.
• Size: The size of the note is 6 1/8" x 26".
• Serial Number: The serial number is printed in black ink on the left side of the note.
• Signature: The signature of the Treasurer is printed in black ink on the right side of the note.
• Date: The date is printed in black ink on the right side of the note.
• Amount: The amount is printed in black ink on the right side of the note.

2260572270 03/14/2001
Inc learings 9999 %MPREACT
Assoc'd Bank 075000129
010030658
010030658
03-14-01
FINANCIAL CENTRE
ECONOMOWOC, WI
X075902421X

Attachment "C"

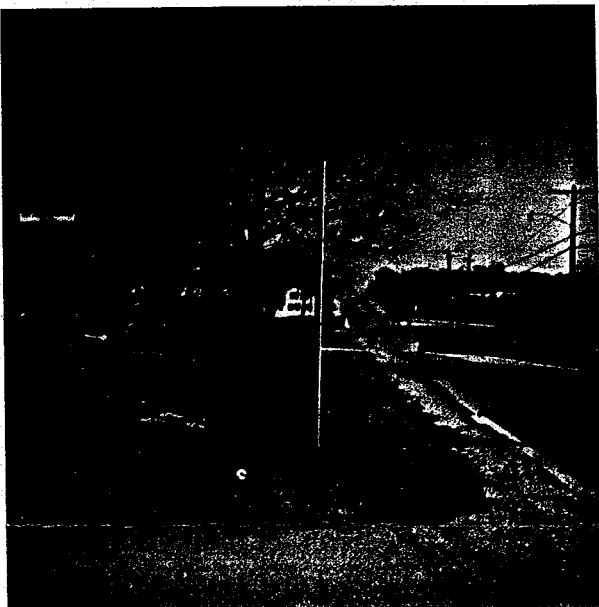
View W/S 107th St. Looking South
Roadway/Grassy Area Opposite Break/
Excavation Pit



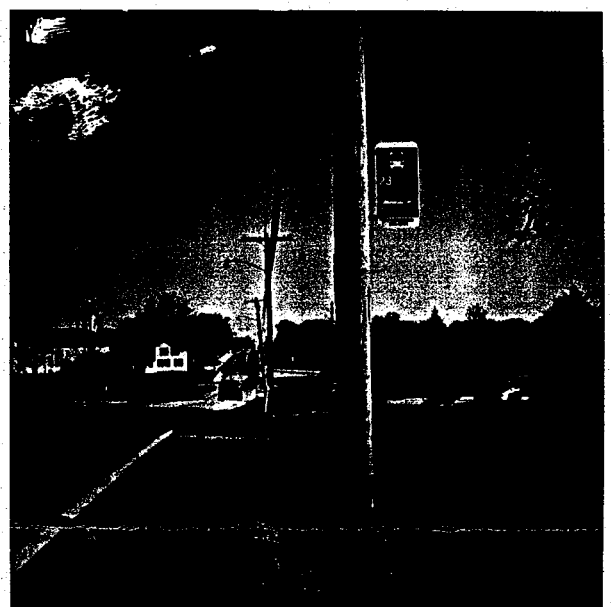
View E/S 107th St. Looking South
Roadway/Grassy Area and Break/
Excavation Pit 16' S. of Utility
Pole and 55' N. of Fire Hydrant



View W/S 107th St. Looking North
Roadway/Grassy Area Opposite Bus Stop
in Church Parking Lot (6814)



View E/S 107th St. Looking North
Roadway/Grassy Area N. of Fire
Hydrant to Break/Excavation Pit,
Utility Pole, and S. to Bus Stop
in Church Parking Lot (6814)



NOTE: Utility Poles shown in these pictures are randomly located within the east one-half of the 49.5 foot wide street right-of-way and do not define its easterly limits.