

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys

2004 JUN 17 PM 4:03
RONALD L. LECHE
CITY CLERK



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

June 11, 2004

Paula Nickel
2369 North Holton Street
Milwaukee, WI 53212-3355

RE: Paula Nickel
C.I. File No. 04-V-72

Dear Ms. Nickel:

This office is in receipt of your claim in the amount of \$3,170.00, relating to damage sustained to your property on March 2, 2004 due to a broken hydraulic lines on a City garbage truck that was in the alley at 2369 North Holton Street.

Pursuant to the June 11, 2004 conversation you had with our office, the City of Milwaukee is prepared to offer you \$500.00 to settle this claim. In our opinion, the damage estimates you provided relative to this loss appear to be excessive.

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

Very truly yours,

GRANT F. LANGLEY
City Attorney

ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
Enclosure
1030-2004-1269:81384

June 16 '04

I wish to appeal ~
please give me a
Hearing ~
Thank

PAULA NICKEL

(414) 372-4071

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUEN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

RONALD L. LECHE
CITY CLERK

2004 JUN 17 PM 4:03

2004 JUN 17 PM 4:13
CITY OF MILWAUKEE
RECEIVED
OFFICE OF CITY ATTORNEY

MILWAUKEE

3320 3312

MALDEN
CITY CLERK

✓
Paula Nickel
2369 N. Holton St.
Milwaukee, WI.
53212-3355

(414) 372-4071

Dear Sirs:

In the early morning of Tues. Mar. 2, 2004, a portion of my rear yard at 2369 N. Holton was saturated with a large quantity of clear hydraulic oil. Being under pressure, it exploded onto my land adjoining the alley, hitting the s.w. corner of my garage, my fence, my tree, and blew through the fence and drenched the area inside including the south side of the garage back as far as approx. 12'. The oil was shot up into the air and was visibly dripping off my tree from at least 8' up even three days later.

There was a quantity of oil enough to run south down the alley past two houses before being contained by an absorbent material.

It took me three days through my own investigation to find out that city garbage truck #32405 was the cause.

No one from the city notified me of the damage to my property and the hazardous condition existing in that area. I call it an "oil and run". Garbage truck #32405 caused the damage, spread some material in the alley for the oil and just left.

I didn't know who was responsible, but neighbors tips provided me with enough information by Fri. Mar. 5 to determine that a garbage truck was involved.

CITY OF MILWAUKEE
RECEIVED
04 APR 20 PM 4:11
CITY ATTORNEY

I called Sanitation for my area and was transferred to Peter Joneth,, Dept. of Fleet and Buildings, who checked for a repair order. He confirmed what had happened and came to my house to look over the area and take pictures.

(I'm enclosing some photos I took myself.)

I was told to file a claim, and accordingly I enclose two quotes for remediation and two quotes to replace the tree. Based on the lowest quotes, I'm making a claim for \$3,170.

Sincerely,

A handwritten signature in cursive script that reads "Paula Nickel".

Paula Nickel

2369 N. Holton
Milwaukee 53212-3355

#372-4071



United Engineering Consultants, Inc.

April 6, 2004

Ms. Paula Nickel
2369 N. Holton Street
Milwaukee, Wisconsin 53212

RE: Proposal for Hydraulic Oil Remediation
2369 N. Holton Street
Milwaukee, Wisconsin 53212
UEC Proposal #04-033

Dear Ms. Nickel:

Per our recent conversation, United Engineering Consultants, Inc. (United) is pleased to submit this proposal to provide the remedial services for the above referenced project.

It is understood hydraulic oil was released from a City of Milwaukee sanitation vehicle in March of 2004. Visual observations indicate the west and south elevations of the garage, the adjacent fence, two (2) bushes and one (1) tree were affected by the release. A small amount of surface soil staining was also observed.

It is recommended the fence be replaced including the gate and two (2) posts. The existing hinges and hardware will be reused. The west and south elevations of the garage and the tree east of the fence will be pressure washed. The bushes in the alleyway will be removed. Any impacted soil will be removed for proper off-site disposal. Topsoil or sod will subsequently be placed.

United proposes to perform the above services pursuant to the General Conditions, which are considered a part of this proposal. The cost estimate for this project will be **\$2,670.00**. United will proceed with the work on the basis of verbal authorization. However, please sign in the acceptance block on the next page, and return one copy of this proposal for our files.

Should you have any questions regarding this proposal, or if we could be of any assistance, please call anytime. We are looking forward to working with you on this project.

Sincerely,
UNITED ENGINEERING CONSULTANTS, INC.

Timothy J. Anderson

Timothy J. Anderson, P.E.
Principal

Accepted by: _____

Name: _____

Title: _____

Date: _____

Enclosures: General Conditions

10617 West Oklahoma Avenue, Suite L2 West Allis, Wisconsin 53227

Environmental & Geotechnical Services

Proposal

Page No.

of

Pages

EGELHOFF TREE SERVICE, INC.

Tree Service - Landscaping - Nursery - Landscape Design - Stump Removal

13440 N. Wauwatosa Road

MEQUON, WISCONSIN 53097

262-242-6632

Fax 262-242-4483

PROPOSAL SUBMITTED TO <i>PAULA NICKEL</i>	PHONE <i>414 372 4441</i>	DATE <i>3/9/04</i>
STREET <i>2369 N. HILTON</i>	JOB NAME	
CITY, STATE AND ZIP CODE <i>MEQUON WI 53092-3355</i>	JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE

We hereby submit specifications and estimates for:

*REMOVE DAMAGED TREE**REPLACE WITH 3 1/2" - 4" CANADIAN CHERRY**\$ 500⁰⁰***If Proposal is Acceptable, Please Sign, Date & Return White Copy. Thank You.****We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:*FIVE HUNDRED ⁰⁰/₁₀₀*dollars (\$ *500⁰⁰*).

Payment to be made as follows:

ALL PRICES ARE SUBJECT TO THE 5% WISCONSIN SALES TAX AND COUNTY SALES TAX WHERE APPLICABLE

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature*TOD EGELHOFF*Note: This proposal may be
withdrawn by us if not accepted within _____ days.**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.

Date of Acceptance: _____

Signature _____

Signature _____

March 13, 2004

Paula Nickel
2369 N. Holton
Milwaukee, WI 53212

Re: Hydraulic Oil Cleanup

Dear Paula,

It was a pleasure speaking with you regarding the need for Hydraulic Oil Clean-up Services.

Scope of Services:

The components of this Site Cleanup include the following:

- Cleaning of Hydraulic Oil on fence, garage, oil and tree on the west side of the property located at 2369 N. Holton St., Milwaukee, WI 53212.
- Data review, compilation, all field services, labor and materials, and report preparation.

Costs and Fees:

The cost range to conduct the Site Clean-up is estimated at **\$8,000 to \$9,500**.
Project turnaround time is estimated at two weeks.

Terms and conditions:

Invoices will be issued upon completion of the above referenced work. Terms are Net 30 days, US Funds. Interest on unpaid balances will accrue at a rate of 1.0% per month, or 12% per year. Any collection fees incurred by Environmental Audits, Inc. will be the responsibility of Paula Nickel. This agreement is cancelable by either party with 30 days written notice.

SINCE 1875



HAWKS

The Hawks Nursery Co., Inc.
12217 West Watertown Plank Road
Wauwatosa, Wisconsin 53226
414/258-5525 • FAX 414/258-9739

PAULA NICKEL
2369 N. Holton Street
Milwaukee, WI 53212-3355

Date: March 8, 2004
Customer #:
Sale Person: Mary Kowalski
Phone #: 414.372.4071
Job #:

JOB SITE: SAME

INSURANCE CLAIM

Replacement of (1) damaged Ornamental Cherry tree. Estimated height of 16 - 18'.

Cost of Replacement tree:

(1) Ornamental Cherry Tree, 3" Caliper	\$600.00
Installation Charge	<u>\$361.00</u>
Sub Total	\$961.00
Tax	<u>53.82</u>
Total	<u>\$1014.82</u>

Net due on receipt of invoice.

I hereby acknowledge Terms & Conditions listed on the reverse side of page 1.

ACCEPTANCE: Your acceptance of this proposal by signing and returning one copy within 30 days will constitute a contract.

Owner/Purchaser

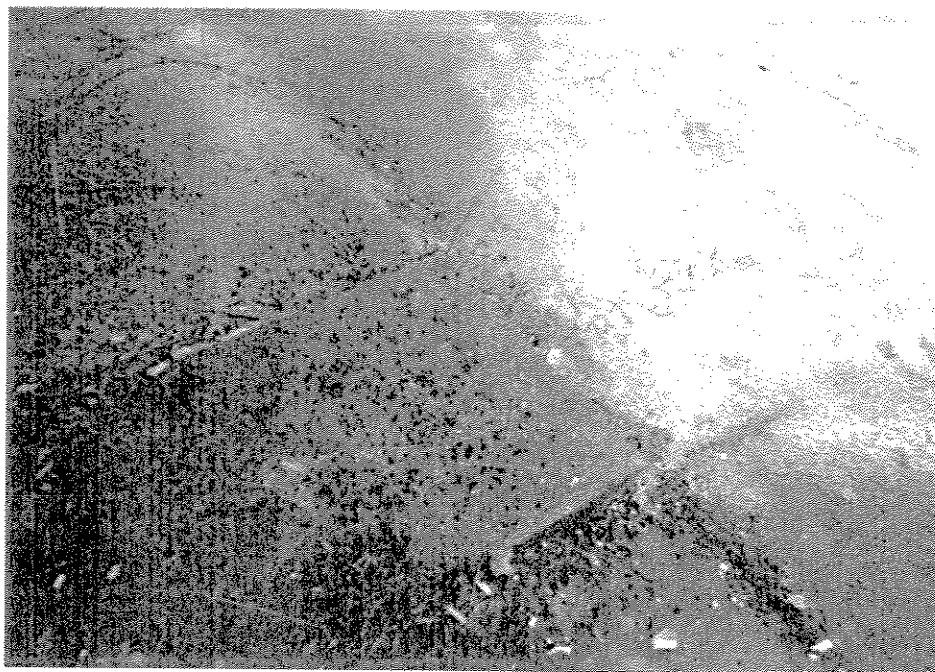
Date

Sales Representative (Mary Kowalski, ext 147)



Tree still DRIPPING oil
3 days later.

photo by J. J. J.



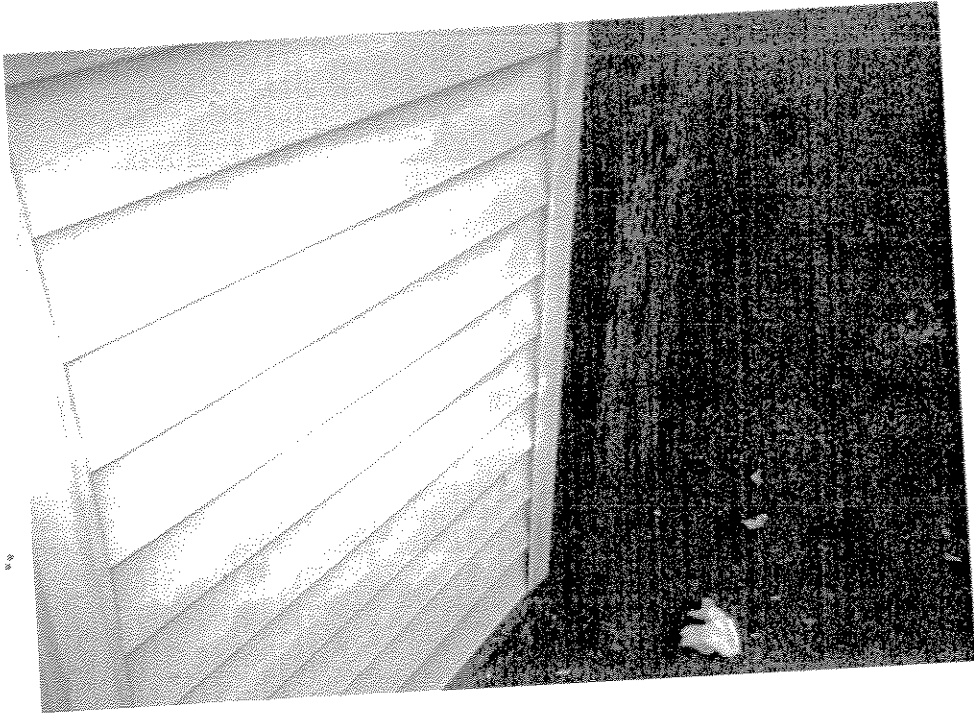
AULEY SIDE
APRON AREA

P-03 P-04



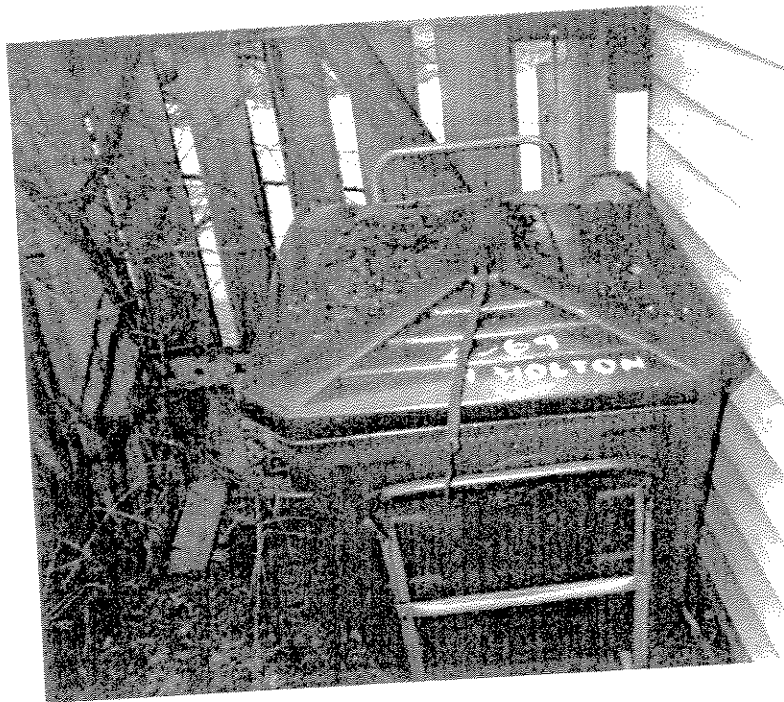
inside yard
Facing alley
South side garage

photo/p.m. kel



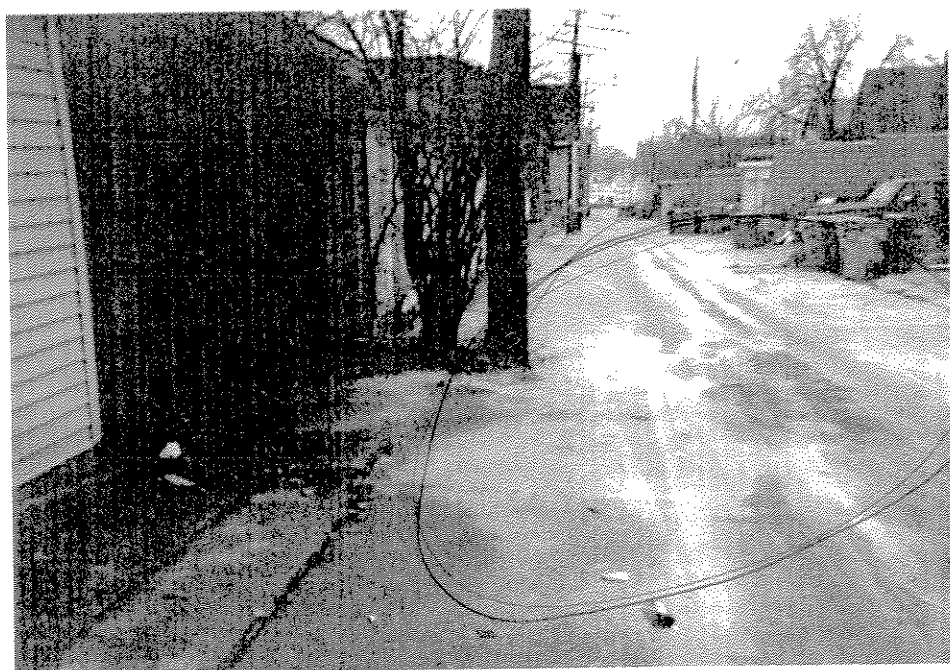
Alley side
West garage wall

photo p. 11



View FROM INSIDE YARD
Facing West towards
alley

photo/p. n. 100



FACING SOUTH
garage visible
in left corner
yellow material spread
by garbage workers

photo 1