

# CITY OF MILWAUKEE

Form CA-43

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February 7, 2003

Assistant City Attorneys

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

Re: Communication from Gerald A. Peters & Maureen McCormack-Peters  
C.I. File No. 02-L-168

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.

Claimants, Gerald A. Peters and Maureen McCormack-Peters, 3112. West McKinley Boulevard, Milwaukee, WI 53208, allege that on April 26, 2002 the City razed their garage. They claim damages in the amount of \$77, 191.95.

Our investigation reveals that the Department of Neighborhood Services indicates that on March 25, 2002 they issued an order noting that the garage wall was structurally unsound and that the owner had 14 days to correct this. The work was not completed within the time period. On April 16, 2002 they issued an order indicating that the garage wall appeared to be in structural failure and that immediate shoring was required within 3 days. This was not done. On April 19, 2002 they inspected and found that the wall had begun to crumble into the alley. They left a message on the owner's answering machine informing them that they would be issuing a 72-hour raze order. The order was posted on the garage and sent to the owners by certified mail. On April 24, 2002 they reached Ms. McCormack by phone in Florida. They explained to her the structural problem, that a 72-hour order was issued and that DNS was in the process of bidding to demolish the garage.


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She indicated that she understood and agreed. They subsequently left messages at both phone numbers indicating that the cost of demolition would be approximately \$16,000.00. Ms. McCormack returned the call and indicated that she understood and agreed. The contractor was notified and the garage was razed on April 26, 2002. The City followed its established razing procedures and as such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY  
City Attorney



MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1053-2002-2890:63650