

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

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OFFICE OF CITY ATTORNEY

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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

December 17, 2002

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

Re: Communication from Eli McNeely
C.I. File No. 02-L-129

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.

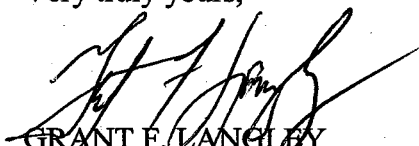
Claimant, Eli McNeely, 2026 West Juneau Avenue, Milwaukee, WI 53233 alleges that on August 15, 2002 the City razed his detached garage located at 2840 North 10th Street. He claims damages in the amount of \$14,965.00. The Office of Assessor information notes that he was not the owner of record at the time of demolition.

Our investigation reveals that the Department of Neighborhood Services records indicate that in August 2000 they started a raze file on this garage due to fire. A raze order was personally served on Jackie Ross, the owner of record at the time. The City requested an inspection for asbestos and prepared to receive bids for demolition. In August 2001, the City took ownership of the property through an in rem action. The Department of City Development advised that the garage should be razed. In January 2002, bids were received and a contract was awarded. The property was sold to the claimant who was aware that the garage was to be razed at the City's expense. On February 11, 2002 the contractor was to begin demolition but was stopped by the owner. The owner was advised of the procedures to stop the demolition, the fee required per Sec. 200-33-46-C, Milwaukee Code of Ordinance, Vol II., and that he would be required to submit a plan to repair the garage within a specified time. The owner paid the fee and was told to provide

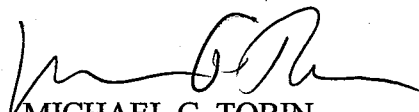
To the Hon. Common Council
December 17, 2002
Page 2

a bid for repairing the garage and if approved, a permit would be issued. The owner was given additional time to do this and did not follow through. The garage was razed on August 15, 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 F. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1053-2002-3056:61432

02-L-129

- 11-15-02 Reviewed information - I want to know if the costs of the demolition were picked-up by the City & also when the last inspection of the site happened. I left a C/B to Ron - EXT. 2515.
- 11-19-02 spoke with Ron & he said that the costs probably were picked-up by the City. He will check on the last inspection date & C/B. He said he saw a block window installed (for security?) otherwise no obvious work.
- 11-20-02 Left a F-U message to Ron on the ownership of the property - is the C Dnt the owner or Francile Gray - the Tax Records indicate it is her?
- 12-3-02 spoke with the C Dnt's son - he was at the office - asking about the status. I noted that I had some info from DWS9 that I had left a C/B to their Rep regarding some questions. I noted that the Rep has some time-off. I asked about who Francile Gray is & he said it was his mother - wife of the C Dnt.
- I called Ron - he is still out. I spoke with Tracy Williams - EXT. 2548 & she will check on the date & C/B - for the file. I prepared a denial letter on the info that we have.
- 12-9-02 spoke with Ron & the last inspection was 7-17-02 & he noted his prior comments on the lack of work. He had no info on ownership & said I should F-U with Karen Taylor - EXT. 5738. I left a C/B to her - the claim P/w property used by the C Dnt as his address has Bettye Ash's wife per the Tax Records - who is Francile Gray?
- 12-10-02 message from Karen notes that the property was quitclaimed to Francile Gray in 7-02.



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

Martin G. Collins
Commissioner

November 13, 2002

City Attorney - Claims Section
200 E. Wells St.
Milwaukee, WI 53202

Re: C.I. File No. 12-L-129
Communication from Eli McNeely

In August of 2000, the detached garage located at 2840 N. 10th St. was fire damaged and the Department of Neighborhood Services started a raze file. A raze order was issued and personally served to the owner of record at the time, Jackie Ross. In April 2001, we proceeded with the condemnation process, which includes ordering an asbestos inspection and then preparing to bid the garage for demolition. In August 2001, the City of Milwaukee took ownership of the property through an IN REM action. In September 2001, DNS received a notice from Karen Taylor, DCD, to proceed with razing this garage. In January 2002, DNS bid the demolition of this garage and awarded the bid to Badger Wrecking for a price of \$1,900.

We were informed by DCD that they were selling this property to Eli McNeely. We were also told to continue with razing the garage because the buyer was aware that the garage was to be razed and the cost would be covered by DCD.

On 2/11/02, the wrecking contractor went to the site to begin demolition of the garage but was stopped by the owner. Ron Roberts, Assistant Supervisor of Condemnation met Mr. McNeely at the site on this same day. Mr. Roberts explained to the owner that if he wanted us to stop demolition with the intent to repair the building, Mr. McNeely would be required to pay the contractor's bonding fee plus \$100 administration fees as outlined in sec. 200-33-46-c. Mr. McNeely would also be required to submit a repair plan and repair the garage within a specified time.

On 2/12/02, Mr. McNeely paid \$595 as required per sec. 200-33-46-c to stop the demolition. Mr. McNeely was verbally informed to provide a bid for repairing the garage and if approved, a permit would be issued allowing him to repair the garage. On 4/29/02, Mr. McNeely's son came into the office requesting 90 additional days to repair the garage. Mr. Roberts informed him to provide a written proposal with dollar estimate and description of work to be performed. Mr. Roberts requested this information be provided in 14 days. On 7/17/02, it was noted that no estimates were provided as requested. Mr. Roberts inspected the garage and the repair work was not completed. On 8/7/02, the wrecking contractor was notified by DNS to proceed with demolition. The site was inspected on 8/16/02; the garage was razed and removed.

The owner was informed when he purchased the property that the garage was to be razed at the City's expense. When the owner was given a chance to complete repairs on the garage under permit, the owner failed to follow through with providing a repair plan, obtaining a permit as required and completing the repairs. We do not believe this claim is valid.


Tracy Williams
Chief Operations Officer

CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

October 14, 2002

Mr. Martin G. Collins, Commissioner
Department of Neighborhood Services
Municipal Building, Room 104

Re: C.I. File No. 02-L-129
Communication from ELI MCNEELY

Dear Mr. Collins:

Enclosed herewith please find a copy of a communication concerning a claim which has been referred to us by the City Clerk's Office for an opinion concerning liability.

Because litigation is anticipated, we ask that you make a complete investigation of this matter. When the investigation is completed, please send it to this office to the attention of the Claims Section.

Very truly yours

GRANT F. LANGLEY
City Attorney

GFL:beg
Enclosure
5071

September 30, 2002

Eli Mc/Neely
2026 W. Juneau Ave
Milwaukee, WI 53233

City Clerk
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

RONALD D. LEONHARDT
CITY CLERK

02 OCT -2

PM 12:41

Dear Claims Department,

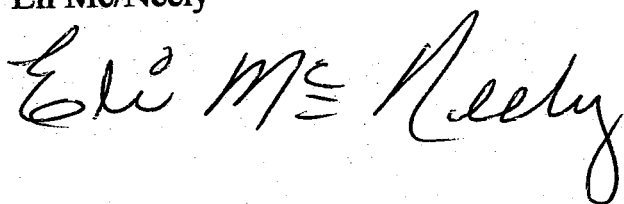
Enclosed are copies of the receipts for all the work that has been done on the former garage, located at 2840 N. 10th Street, in Milwaukee. In recent months thousands of dollars have been invested for the restoration of the garage located at 2840 N. 10th Street. We installed many updates to include a new roof, gutters, down spouts, siding, block windows, minor electrical, etc. On or about August 15, 2002 a demolition team was in place to destroy all the work that was completed at 2840 N. 10th Street. The contractor that was assigned stated he tried to phone the office and waited 1 and a half hour before he proceeded with his instructions, due to all the work he seen that had been done. It was visible to the eye of all the work completed. We were told by Mr. Ron Roberts that and inspection was done on the garage at 2840 N. 10th Street 2 weeks prior to the demolition, we challenge this due to all the work we have done since at January of this year.

We were given no notice via phone call or letters informing us of the plans to tear down the garage. The last contact we had with the city was February, 2002 when we paid \$595.00 to stop the last demolition order. At that time we worked harder to get the building up to code, and we did exactly that. But on August 15, 2002 all of our hard work was destroyed, and by the time my son reached the garage it was 99% beyond repair. All the work, frame, and the foundation. I feel this was unfair and unjust. Also it is obvious no inspection

was done, after January, 2002 since the repairs started, or this would not be in the claims department, we would be paying for permits not being pulled in a timely matter. I would like total reimbursement as well as a rebuilt garage. I have received 3 estimates. The lowest quality bid was from Lifestyle Builders for \$14,965.00. If you have any questions feel to call (414) 344-8853.

Thank You,

Eli McNeely

A handwritten signature in cursive script that reads "Eli McNeely". The signature is written in dark ink and is positioned below the printed name.

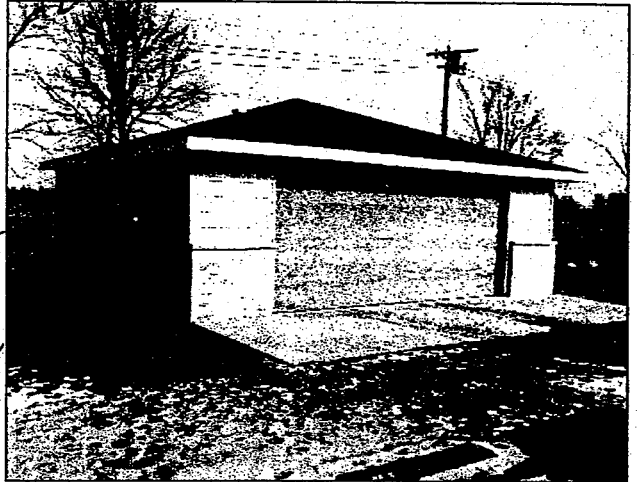
YOU SHOW US WHAT YOU WANT, WE WILL BUILD IT.

WALLY ARNDT
783.4004

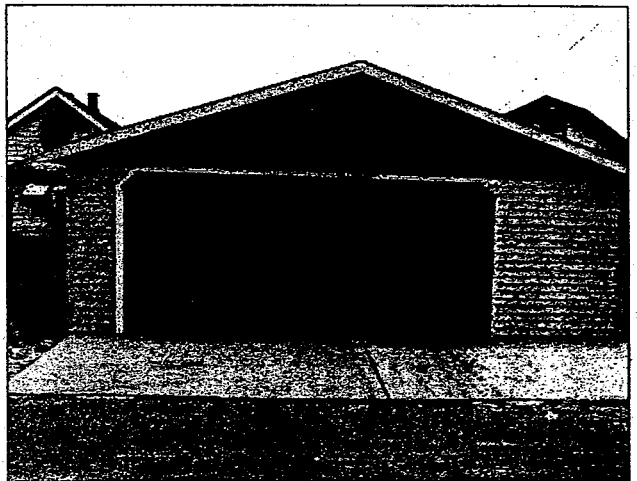
PRICE QUOTE

30'x20' Gable roof
30x4 Spun
Tusses
VINYL D/4"
1-16x78 1-8x7 Steel
1-36" Steel panel w/DEAD Bolt
6" EXPOSED BLACK ALUM. JOINT
JAMBS BLACK ALUM. JOINT
EXCAVATING Concrete
FIRE BASE
ELECTRIC - 3WAY
2-OPENER
- PERMIT -

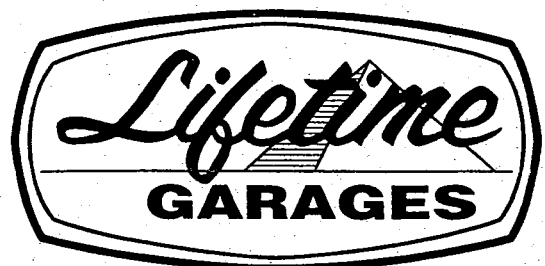
\$14,965.00



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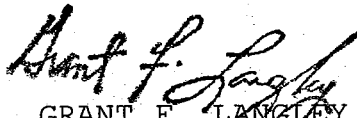
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September 30, 2002

Eli Mc/Neely
2026 W. Juneau Ave
Milwaukee, WI 53233

City Clerk
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

CITY OF MILWAUKEE
02 OCT -2 PM 12:47
RONALD D. LEONHARDT
CITY CLERK

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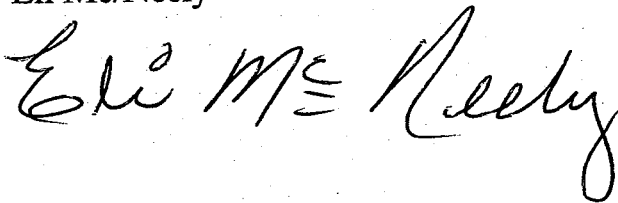
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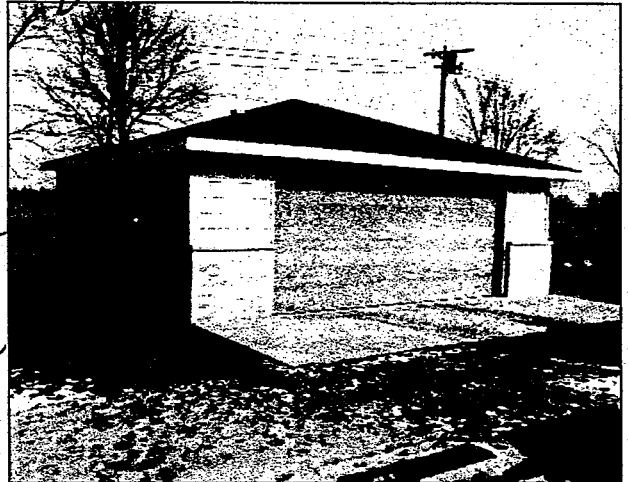
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YOU SHOW US WHAT YOU WANT, WE WILL BUILD IT.

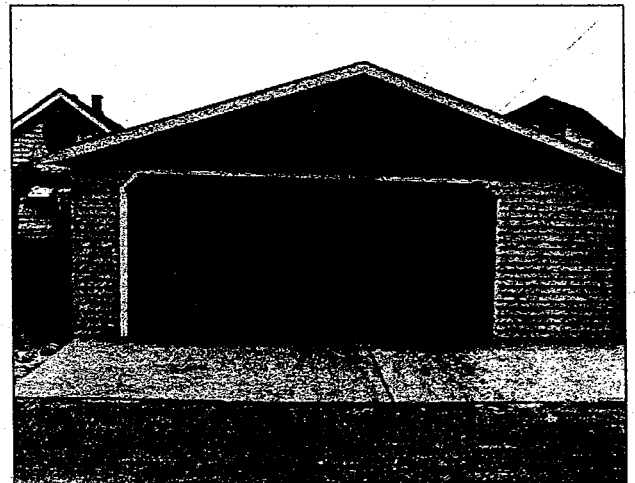
WALLY ARNDT
783.4004

PRICE QUOTE

30'x20' Gable roof
30x4 Spruce
Trusses
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1-16x7 Steel 1-8x7 Steel
1-36" Steel panel w/DEAD Bolt
6" EAVE BLACK ALUMINUM
JAMBS BLACK ALUMINUM
EXCAVATING Concrete
Fill BASE
ELECTRIC - 3WAY
2-OPENER'S
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\$14,965.00



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