

10-19-01

CITY OF MILWAUKEE

2001 OCT 18 PM 1:56

RONALD D. LEONHARDT
CITY CLERK

To Whom it may concern!

I received your letter of denial on Oct 30, 2001 regarding case # 01-S-285, C.I. File No: . At this time I wish to appeal your decision and await further instructions on the next course of action to be taken. I have discussed this matter with the attorney I work with and will probably bring legal counsel and my witnesses to the next hearing. I await now on your response and a date of the appeal. I appreciate the time you have already spent looking into this matter and hope we can come to some sort of settlement. Thank you for your time and consideration in this matter.

Sincerely,
Wayne E. Puch

OFFICE OF
CITY ATTORNEY

01 OCT 18 PM 3:21

CITY OF MILWAUKEE
RECEIVED

2001

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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

September 26, 2001

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

Wayne E. Pechacek
8619 West Peck Court
Milwaukee, WI 53225-4957

RE: C.I. File No.: 01-S-235

Dear Mr. Pechacek:


This office is in receipt of your claim in the amount \$785.95, relating to damage sustained to your vehicle on April 21, 2001 when the windshield was allegedly damaged by debris in the cul-de-sac at 8619 West Peck Court.

Our investigation reveals that the Infrastructure Services Division records indicate that between March 1 and April 30, 2001 they received complaints about potholes at 8619 West Peck Court on April 9 and April 24, 2001. The potholes were patched on April 10 and April 26, 2001. Upon notification of a road defect the division will send a repair crew to correct a hazard usually within 24 hours. The Sanitation Division records indicate that on April 6, 2001 they received a request to sweep Peck Court. The area was swept on April 9, 2001. The area was also swept during regular rotation on April 17 and April 26, 2001. Prior to the complaints, the City had no notice of the defect in or the condition of the roadway and because of this lack of notice, the City would not be liable. Accordingly, we are denying your claim.

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


STEVEN M. CARINI
Investigator Adjuster

SMC:beg

'01 JUL 10 PM 3:29

OFFICE OF
CITY ATTORNEY

Mr. James A. Bohl Jr.
5th Aldermanic District
City Hall
200 E. Wells Street, Room 205
Milwaukee, WI 53202-3567

Dear Alderman Bohl:

I am writing this letter and report as per my telephone call with Todd, your aide pertaining to the damage of my windshield on or about April 21 or 22, 2001. I had a lengthy discussion on the condition of the cul de sac I live on and had told him some of the problems my family and neighbors have endured over the past seven years. I and my family are the longest residing residents of this area and would like to discuss first what I have gone through over the past seven years of living here. I want to be brief and to the point on the history of this area over these years of residency. The cul de sac has had so many problems over these years that I have not enough time to mention all of them, but the ones I do remember are the ones that have cost and inconvenienced my family and myself to the point of disappointment and frustration and now enough is enough.

Four or five years ago, my daughter, Maria, was severely injured from riding her bicycle in the cul de sac, because of potholes and the many stones lying around loosely. Thus, causing her to fall, and break one wrist and fracturing the other. This was because of the condition of the street due to constant construction. At that time, a water main had broke and had to be repaired on several occasions, because the job wasn't done correctly in the first place. This can all be documented from your records if you care to check. This occurred about four or five years ago and for the entire summer the cul de sac was a disaster area. Night and day construction went on with no consideration for myself or the rest of my neighbors, and of course, it would have to happen right in front of my house. There was no sleep for us for that entire construction period which lasted for several weeks and basically, had ruined the summer for us. On many occasions, my family and I had to spend many nights at relatives and friends just to get some sleep, because the construction went on all night and day, and the noise and lights were just too much to bear.

Then, there was the most outrageous thing I have ever seen and lack of common sense on the part of the city and construction workers. There was close to a half ton of dirt and rock dumped right in front of my driveway and since I am the only resident that has a driveway leading out of the cul de sac all the rest have their driveways in the back. I called Alderman Schram at that time, and nothing was done for two days and my car and my wife's car were confined in the garage. With pleas, they finally removed the dirt and debris from the front of our house and we were able to try and maintain a work schedule and daily errands. The cul de sac was so tore up you'd thought we lived in a quarry.

Then, we had another water main break a couple years later and again the area was a mess and a disaster to live around. We had also problems with our water being rusty and on several occasions questioned the drinking sanitation of this water and had the city come out to make sure that it was acceptable to drink and bathe in. As I said I would try to be brief, but I can see this is an endless cycle of problems. I have never really been to the point of losing my temper, but a family can only take so much aggravation and disruption of a person's daily life.

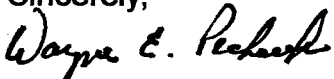
In the month of April, again there was need of more street repairs and pothole fills. On April 21, 2001, some time in the very late evening, I was coming into the cul de sac and heard the noise of what sounded like pellets or BBs bouncing off my 1987 Corvette. I immediately got out of the car and saw no one in the vicinity at that late hour. I examined our area right away and there was no one to be seen. I pulled the car into the garage and had left it there for the evening. In the morning, I had gone out to the garage and noticed that my windshield had been damaged. I am at the point now where someone has to take responsibility for the damages. I have been very patient over the years, but now it is costing me time and money; and quite frankly, I am sick of it. My wife's car has had one flat tire already, because of the cul de sac being loaded with sharp, pointy and large shaped stones laying around from not cleaning up properly and constant hitting of the potholes. And now, one of my most valuable assets has a broken windshield from just sheer negligence. This was caused by the shooting of the stones up from the extra wide tires on my car while entering this disaster zone. The street has again been repaired with fill and tar after I called Todd and told him what had happened, and now I am out a windshield and this time I am asking the city to take responsibility for the damages.

I should have done this a long time ago when the most important thing in my life, my daughter — Maria- was hurt from the fall off her bike. I have been more than patient and I have not asked for restitution of any kind over the years. I also have not asked for any type of compensation from the damage the snowplows caused by ruining my driveway and my front lawn over several years of pushing snow where it does not belong. This also blocked me in on several occasions when the snow was pushed halfway up my front lawn, and again I was not able to get out of my driveway.

I have discussed the entire matter with one my attorney friends and he advised me to proceed with the course of action I am taking now. I am sorry that it has to come to this point. This is why I have videoed the cul de sac just to show what I had have to deal with on many occasions.

Jim, you are an honorable man. Davia and I knew this when you first entered my house when you were running for alderman. I am a very good judge of character and from the first day I met you I knew you were a very dedicated and sincere person that wanted to really help people. I know you are doing the best you can and I hope that we can resolve this matter in a timely and reasonable fashion. I am enclosing the videotape which is around ten minutes long and also the two estimates per the instructions for filing a claim against the City of Milwaukee. You may pass this letter on to Cathy Marquardt and if needed, you may give her the video.

Sincerely,



Wayne E. Pechacek
8619 W. Peck Court
Milwaukee, WI 53225-4957
Home: 414.463.2536
Cel/Bsn: 414.460.6337

Encl.

C: Ms. Cathy Marquardt
City Clerk
Attn: Claims

Klein-Dickert Milwaukee Inc 2
 5515 60TH STREET *
 KENOSHA, WI 53144
 262-657-3737 * 800-232-3065

Auto Glass Service
 Windshield Repair
 Insurance Claim Service

022211
 TAX ID: 362707870

** QUOTE **

CASH ACCOUNT (BROOK)
 BROOKFIELD,

WAYNE PECHACEK
 8619 W. PECK CT
 MILWAUKEE, WI 53225
 HOME: 414 463 2536

????

CASH	CHARGE	CREDIT	MILEAGE	UNIT #	COUNTY	SHOP	MOBILE	M	T	W	TH	F	S	AM	PM	TIME	
X					MILWAUKEE		X										
DATE		ACCOUNT NUMBER	P.O./POLICY NUMBER		CLAIM NUMBER			SLM	CLR	WORK ORDER			PHONE NUMBER				
05-02-01		7189						9		022211							
DATE OF LOSS		INSURANCE COMPANY/AGENCY		CAUSE			AUTHORIZED BY		DEDUCTIBLE		INS. FORM		AGENT				
									0.00								
YEAR	MAKE	MODEL	BODY STYLE		V.I.N.			COLOR	G	LICENSE #		INSTALLED BY					
87	CHEVROLE	CORVETTE	2 DOOR CO														
QTY	PART NO.	DESCRIPTION				LOC.	LIST	PRICE	TOTAL								
1	DW351 55M	WINDSHIELD					463.30	185.32	185.32								
3	LABOR	LABOR						40.00	120.00								
1		FAST CURE						24.95	24.95								
1	10258887	URETHANE, DAM, PRIMER						235.00	235.00								
1	14049031	(INNER) (FRAME) MDW1075						52.00	52.00								
1	14049032	MOULDING (REVEAL) (SIDE)						52.00	52.00								
1	14049033	MDW1075						75.00	75.00								
1	14049033	UPPER MLDS MDW1075															
DOUCHER CHEV/6ED (RACINE) REFERRAL										SUB TOTAL		744.27					
										SALES TAX		41.68					
										COUNTY TAX							
										TOTAL		785.95					

REFER TO BACK OF THIS FORM FOR WARRANTY, TERMS AND OTHER INFORMATION. The repair or replacement of said breakage is to my complete satisfaction and I authorize insurer to pay sum to Klein-Dickert. I also agree that if for any reason insurer fails to pay Klein-Dickert I am financially responsible for any unpaid bills.

ACCEPTED BY _____

INSURANCE COPY

