

CITY OF MILWAUKEE
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2011 JUL 18 11:3:46 NOTICE OF CLAIM AND INJURY

PER

OFFICE OF
CITY ATTORNEY WIS. STAT. SECTION 893.80

VIA HAND DELIVERY

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

Re: *Cathedral Place, LLC Notice of Claim and Injury*

Dear City Clerk:

Pursuant to Wis. Stat. §893.80, this constitutes notice of the circumstances of Cathedral Place, LLC's ("Claimant") claim against the City of Milwaukee ("City") and the relief sought by Claimant against the City.

1. Statement of Circumstances Giving Rise to Claim. In early April 2011, Steve Caveney of Pentagon Property Management, LLC ("PPM"), the property management company of Claimant, first observed minor water accumulation in the elevator pit of Claimant's building located at 555 E. Wells Street, Milwaukee, Wisconsin (the "Building"). Over the next approximately 2 week period, the volume of water accumulation increased, and, as a result, on April 18, 2011, the Building's sump pump failed. On April 21, 2011, PPM, on behalf of Claimant, contracted with Rozga Plumbing and Heating Corporation ("Rozga") to investigate the cause for the water accumulation and resulting sump pump failure. PPM, Rozga and City discussed the potential sources of such water accumulation before any remedial work was commenced. PPM informed the City that the Building's lateral was only 7-8 years old and therefore likely still in good condition and an unlikely source of the problem. The City was adamant that, after the City's investigation of the area: (a) the City did not have a leak or other problem with the City water mains that was causing the water accumulation, and (b) the Building's lateral had a leak that was causing the water accumulation. Based on its conclusions, the City informed PPM that the City would not perform any investigatory or remedial work to resolve the issue. Therefore, PPM contracted with Rozga to excavate the Building's concrete in order to access the Building's lateral to investigate if and where it was leaking and to dye test the accumulated water in the Building as well as the City sewers adjacent to the Building. Rozga examined the Building's lateral and definitively concluded it was not leaking or otherwise faulty. Subsequently, when additional properties in the area experienced the same problem, the City finally investigated the issue and determined that, in fact, there was a City water main leak causing the water accumulation at the Building and several other properties in the area. During this time, until the City repaired its leak, the City charged Claimant \$750 to provide emergency water service.

2. Statement of Injury, Relief Sought and Claimant Address. Claimant's injury, in the form of damages, is \$13,238.93, comprised of: (a) Rozga Plumbing's invoices totaling \$7,624.93 for excavating the concrete, investigating the Building's lateral, and dye testing the accumulating water in the

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Building and the adjacent City sewers, (b) \$4,864.00 for Suburban Asphalt repairing the Building's exterior concrete sidewalk, and (c) \$750.00 of emergency water charges from City for the City to provide emergency water to the Building. Copies of the foregoing invoices are available upon City's request. Please remit payment in the amount of \$13,238.93 to Cathedral Place, LLC c/o Van Buren Management, Inc., 788 N. Jefferson Street, Suite 800, Milwaukee, WI 53202. A contact phone number is 414-224-5070, ext. 26.

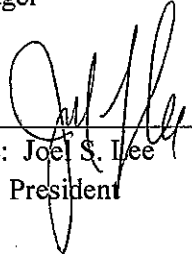
* * *

The undersigned certifies that the above-described injury and damages occurred, and that the above notice of injury and claim, are true excepting only as to matters stated upon information and belief or based on others' information.

Cathedral Place, LLC

By: Van Buren Management, Inc.

Its: Manager

By:  _____

Name: Joel S. Lee

Title: President