

April 28, 2025

CITY OF MILWAUKEE
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CITY CLERK'S OFFICE

City Clerk
ATTN: CLAIMS
200 E. Wells Street, Room 205
Milwaukee, WI 53202-3567

Dear City Clerk:

We are filing this notice of claim with the City of Milwaukee (city) for financially impacting our lives by failing to follow the requirements within the City's Subdivision Regulations regarding Certified Survey Map (CSM) #6083. The city had three opportunities to follow the requirements of the Subdivision Regulations over a 30-year period yet failed to include a street reservation for W. Van Beck Ave. within CSM #6083 as required. The financial harm to us resulted from our inability to use, develop and sell our lots 5, 6 and 7 of Wantoch Woods Subdivision east of CSM #6083. The third opportunity was missed when the City Attorney's office stopped working with us as of March 14, 2025. We contend that our only course of action is to file this claim against the City of Milwaukee for damages, including the city's purchase of lots 5, 6 and 7 from us as follows:

- The estimated value for the three lots if sold today is \$150,000 each or \$450,000. These are prime wooded lots, located on the end of a cul-de-sac and are oversized as compared to adjacent lots, with small front yards and very large back yards.
- Reimbursement of Attorney's fees the Wantochs have incurred to date (\$7,539.50) plus any additional Attorney's fees required to settle this claim.
- Punitive damages in the amount of \$500,000 for keeping us from developing and selling lots 5, 6 and 7 since the approval of CSM 6083 in 1995, over 30 years.
- Property taxes at \$15,000 paid for lots 5, 6 and 7 since the creation of CSM #6083.

This settlement allows the city to sell lots 5, 6 and 7 when W. Van Beck Ave. is developed, thereby recovering a large portion of this claim.

The following is a history of what has taken place regarding these lots. In 1988 we purchased parcel 2 of CSM #5098 that required, per subdivision regulations, a reservation for street purposes, as shown on the City Official Map, for the east end of W. Van Beck Ave. extended, east of S. 70th St. and the east end of W. Norwich St. extended east of S. 70th St.

In 1990, Mr. Joseph Czarnecki purchased a rectangular parcel of land identified as tax key number 571-9994-110 (the Parcel) from an adjacent neighbor that included a 120' wide lot extending from north of W. Van Beck Ave. to south of W. Norwich St. This Parcel separated our Parcel 2 from access to S. 70th St. within W. Norwich Street and W. Van Beck Ave.

In 1995 Mr. Czarnecki did a CSM dividing the Parcel under CSM #6083. The Department of City Development failed to follow the requirements of the City's Subdivision Regulations when

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approving the CSM #6083 by only including a dedication of W. Norwich St. but ignoring a reservation for W. Van Beck Ave. as required by the City's Subdivision Regulations.

Also in 1995, we divided our parcel 2 of CSM #5098 by creating Wantoch Woods Subdivision. This changed the cul-de-sac ends of both W. Norwich St. and W. Van Beck Ave. from reservations to dedications. Lots 2, 3, and 4, front W. Norwich St. and lots 5, 6, and 7 front W. Van Beck Ave.

We believe DCD's omission of the reservation for W. Van Beck Ave. within the Parcel divided by CSM #6083 was done on purpose, at the request of Mr. Czarnecki. In addition, making matters worse for us, the DCD required us to change our Wantoch Woods Subdivision Plat to include a 10' wide access easement along the west side of lots 4 and 5 to keep lots 5, 6 and 7 from being landlocked due to no reservation for W. Van Beck Ave. within CSM #6083. The DCD also changed our Wantoch Woods Subdivision in 1996, for the benefit of Mr. Czarnecki, by offsetting the centerline of the cul-de-sac ends for both W. Norwich Street and W. Van Beck Ave. along with changing the radius of both cul-de-sacs from 50' as found in the subdivision regulations to a substandard 36'. Once again, ironically, these changes were made on Mr. Czarnecki's behalf so he could maximize the number of buildable lots he could develop and sell when W. Van Beck Ave. would be improved.

We discovered in October 2022 that the City's Subdivision Regulations under Chapter 119 clearly show that when a parcel of land is divided by a CSM, the CSM shall include reservations for street purposes as shown on the City's Official Map within the parcel as follows:

Subdivision Regulations § 119-13 mandates:

The owner of lands in a final subdivision plat or certified survey map shall indicate, on the face of the plat or map, reservations or dedications to the city for public streets, alleys or other public ways as shown on the official map. The final plat or certified survey map shall not be considered or approved until these reservations or dedications are so indicated. (Emphasis added.)

Chapter 119-16-6 further clarifies that if an error is found within a created CSM, that error must be corrected using Form No. 9, "AFFIDAVIT OF CORRECTION FOR", filled out and submitted to correct the error.

We attempted to get this error corrected under the Subdivision Regulations by writing to the DCD's office dated January 25, 2023, and asking them to correct the error using Form 9 as outlined in Chapter 119-16-6. The Comptroller's office failed to make the correction stating that the area within the PARCEL was allowed to be depicted as unplatted lands, negating the need for a reservation.

We were unsuccessful in finding anywhere within the City's subdivision regulations allowing DCD to ignore the City's Official map within a parcel being divided by a CSM. Nor did DCD's office provide us with evidence supporting their actions.

We further attempted to get the error corrected through the City Attorney's office by hiring Husch Blackwell (HB) to represent us. This resulted in HB's letter to Attorney Evan Goyke on our behalf dated December 19, 2024 requesting the error be corrected using Form 9 and offered an alternative opportunity for the city to purchase the lots 5, 6 and 7 from us.

It took the City Attorney's office until March 4th to reply and set up a phone meeting with our Attorney, Rodney Carter, on March 7, 2025.

Attorney Carter informed us on March 7th that the phone conversation with the City's Attorney, Jordan Schette went well. The W. Van Beck Ave. roadway is definitely reserved for street purposes per Attorney Schette, so that is a win. The issue is how the road is to be developed and financed. Attorney Schette indicated he needs to circle back with the City Engineer on some procedural issues and promised to get back by Tuesday or Wednesday of the following week with some answers. Since the March 7th phone call, the City Attorney's office has failed to return multiple calls from Attorney Carter as of Friday, April 25th.

Being curious, we have been checking the City's records for anything that added the street reservation for W. Van Beck Ave. and found nothing. We checked by phone with the Maps and Platts office of the City Engineer on April 25, 2025 to find out that nothing has changed regarding a reservation nor dedication of W. Van Beck Ave. within CSM #6083, thus the need for filing this claim.

We believe that political favoritism was given to Mr. Czarnecki over our rights in ignoring the subdivision regulations when CSM #6083 was created in 1995. Mr. Czarnecki still owns the land that he would be involved with a correction to CSM #6083. Therefore, we believe the purchase of lots 5, 6 and 7 by the city is the only option at this point.

We truly wanted to work with the city to get the situation corrected without having to file a lawsuit, but it seems we have no other choice.

Clark can be reached at 414 327-5272 or cwanto@hotmail.com should you need copies of any documentation or added clarification. Please confirm receipt of this claim by email to Clark.

Sincerely,

A handwritten signature in black ink that reads "Clark & Dawn Wantoch". The signature is written in a cursive, flowing style.

Clark and Dawn Wantoch
6954 W. Tesch Ave.
Milwaukee, WI 53220

CC: Attorney Rodney Carter, Husch Blackwell
Attorney Jordan Schette, City of Milwaukee