

City Clerk,

I am writing you to request a hearing as instructed by the City Attorney's office regarding damage that was done to my driveway on November 3<sup>rd</sup> 2010 by a City of Milwaukee truck #25280. The City Attorneys office denied my claim saying that their "investigation" revealed that if the truck had driven on my driveway the damage would have been more extensive and they would have knocked down my mailbox as well. This finding is not only ridiculous but it doesn't even make sense. My daughter, startled by the noise the truck made, looked out of the window in time to see the driver get out look at the damage and then drive off. Since I am not familiar with the procedure of these hearings please let me know if she will be given a chance to testify. If so she will have to take off of work just like I will to try to defend ourselves. I'm including a copy of my claim and the response I received. I will be awaiting your response.

Thank you,

*Matt Coffaro*

Matt Coffaro  
7025 N.89<sup>th</sup> St.  
Milwaukee, WI  
53224  
April 15, 2011

CITY OF MILWAUKEE  
2011 APR 19 AM 11:54  
RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED  
2011 APR 21 - PM 2:07  
OFFICE OF  
CITY ATTORNEY

January 25th, 2011

Dear City Clerk,

My address is 7025 N. 89<sup>th</sup> St. in the city of Milwaukee.

On Wednesday November 3<sup>rd</sup> 2010 at approximately 10:30 PM my daughter was startled by a very loud banging noise coming from the front of our house. She looked out the window in time to see a large city of Milwaukee truck (vehicle # 25280) backed up on to our driveway. Obviously realizing he had made a mistake, the driver got out to assess the damage but got back in the truck and drove off. I was out of town at the time. I returned home on Sunday the 7<sup>th</sup> and found that the city truck had put a crack in the bottom corner my driveway (see enclosed photo). There was also a baseball size chunk of the concrete chipped off but still laying there as evidence that the damage was fresh.

I called the city the next morning, Monday the 8<sup>th</sup>. I was told someone would get back to me. No one did so I called again the 15<sup>th</sup> still no response. I finally reached a city employee named Rick on November 29<sup>th</sup>. He sent me a form on December 1<sup>st</sup> with instructions for filing a claim against the city of Milwaukee.

The driveway is relatively new, there are no other cracks in it. The damage does not appear to be extensive however the contractors that gave me the required estimates said that after a few winters of freezing and thawing the entire corner below the crack will break away and crumble, leaving me with a hole. There is no way to fix it, the entire section must be replaced.

My house is located at the end of a cul-de-sac. It appeared as though the diver backed up into my driveway to turn around. This incident occurred during the season of leaf pick up. I assume the city was working late shifts to remove leaves before the snow season. I know the city had a job to do but the driver never should have driven a large heavy truck on my driveway causing the damage.

You will find the two estimates that the form asked for enclosed. I feel that I should be compensated for the entire amount of the damages sustained. I will look forward to hearing from you.

Thank you,



Matt Coffaro

7025 N. 89<sup>th</sup> St.

Milwaukee, WI 53224

Home phone – 414 358-3282

Work phone- 414 263-8614

RECEIVED  
CITY OF MILWAUKEE  
JAN 25 2011  
M 2:00

2011 JAN 31 AM 7:27  
OFFICE OF  
CITY ATTORNEY  
CITY OF MILWAUKEE  
RECEIVED

OFFICE OF THE CITY CLERK  
Milwaukee, Wisconsin

# INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City, a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of this instruction sheet. Generally, the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours.
3. As detailed a description of the incident as possible, including the date, time and place. Include the "City" vehicle #.

All information should be submitted to:

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

## ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.





DRIVEWAY

SARREST



**Edgar Prager  
and Sons, Inc.**

Masonry and Concrete Contractor

303 Commerce Street,  
Suite B  
Waukesha, WI 53186

Tel: 262-542-7392  
Fax: 262-542-7392

**Proposal**

**Project:** Coffaro Residence  
7025 N. 89<sup>th</sup> Street  
Milwaukee, WI

January 7, 2011

**Attn:** Matt,

We propose to furnish labor and materials necessary to complete the concrete work per discussion and pictures emailed. Work description, base bid and notes below.

**Concrete Price Includes:**

- Sawcutting, demo and haul away of existing slab 5'3" x 8' approx
- Setting up and pouring new concrete
- Doweling into existing slab 4' on center with #4 rebar
- Wire mesh
- Low chirt concrete
- Sealing of concrete

**Concrete Price: \$1,844.00**

**Notes and Exclusions:**

1. No winter conditions figured, work could not be done till April 1 (till temperatures stay above freezing)
2. Landscaping by other
3. Work figured getting demoing with loader
4. No flowline work figured

Sincerely  
John Jacobi

Conditions:

1. Builders risk insurance supplied by owner.
2. Billing by 1<sup>st</sup> payment by 15<sup>th</sup>.
3. Bid good for 30 days.

**“AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER’S LAND MAY HAVE LIEN RIGHTS ON OWNER’S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTACT DIRECTLY WITH THE OWNER OR THOSE WHO GIVE THE OWNER NOTICE WITHING 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. BUILDER AGREES TO COOPERATE WITH THE OWNER AND THE OWNER’S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID”.**

**Acceptance of Proposal:** The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as written above.

**Date of Acceptance:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

## PROPOSAL

### Driveway Repair – 7025 North 89<sup>th</sup> Street

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7 January, 2011

Matt Coffaro  
7025 North 89<sup>th</sup> Street  
Milwaukee, WI

**BID: \$2250.00**

We propose to supply all the labor and material necessary to complete . The following is included:

**Concrete Replacement includes:**

Sawcut and remove existing section of cracked slab. (5'-3" wide x 7'-3" to 9'-0" long)

Truck spoils off site

Dowel into existing slab at 48" o.c.

Form and Pour a 4" Concrete slab with 6x6-10/10 WWM

Concrete shall be standard 6 bag a/e.

Work to be done in spring or summer of 2011

**EXCLUSIONS**

- Handling and/or Disposing of Hazardous/Contaminated Materials
- Unforeseen Conditions
- Low chert concrete
- Landscape repair
- Any work needed to city curb and gutter
- Winter concrete charges

**CLARIFICATIONS**

- Work to be Done During Regular Business Hours
- Area will be Left Broom Cleaned

**PREPARED BY**

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Marc Wisniewski, Project Manager  
Moore Construction Services, LLC  
Building Contractor Registration #1106821

**ACCEPTED BY**

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(Company Name)