

CITY OF MILWAUKEE

2002 JAN 25 PM 1:52

RONALD D. LEONHARDT
CITY CLERK

Valerie F. Franklin
6710 North 55th Street
Milwaukee, WI 53223

RE: 01-S-378

January 22, 2002

Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee, WI 53202

Dear Sir or Madam:

I received a letter from your office dated December 28, 2001 and postmarked January 3, 2002 denying my claim for damages sustained to my vehicle after driving into a very large construction hole on Teutonia Avenue. I wish to appeal this decision based on the following information:

In my previous letter I stated that this was not a pothole, but a hole that was left in the street by some type of construction that was being done. There was not a warning sign posted, and there was not a barrier in place that could have prevented the damage from occurring. There was no way of knowing that this hole was there until you were actually driving directly over that particular section of street. The area where the incident took place is in the exact same area that you referred to in your denial letter. I was going north on Teutonia Avenue and had just passed Ruby Avenue and was approaching Congress Street when I drove into this very deep and large hole that had been either dug up or cut away from the street. I also know that there is no way possible that this area was paved over that same day because I drove into the hole that evening on my way home from work which was at approximately 5:45 p.m. For several days after that, the area was still left open with no warning sign posted and no barrier in place.

I also stated that this area was cut away and left open for a second time and was not posted with a warning sign and there was not a barrier in place, and once again I drove over this area without any warning at all. It is impossible to know when there is a large hole cut out of a street when there is nothing to warn you of the impending danger. However, this time a barrier was put up the next day over that section of street.

I feel that it is unfair for my claim to be denied because of my lack of knowledge about what procedures should be taken when you sustain such damage as I did to my vehicle as a direct result of the work that was being done on Teutonia Avenue. The damage to my car was not immediately evident so I did not know that any damage had occurred. The majority of the streets in Milwaukee are in horrible condition, so it is hard to know when you have done any serious damage to your car each and every time that

02 JAN 25 PM 3:59

CITY OF MILWAUKEE
RECEIVED

you drive over a bump or into a pothole and in my case, a large construction hole. When I started to experience all of the problems with my car, and took it in for repair I was told by a mechanic that I had to have hit a very deep hole to do that type of damage and to bend the frame at the bottom of my car so severely. After the second incident in the exact same place, I did take the necessary steps to notify the city of the damage that I had sustained to my car from the first incident. I learned that it was possible to file a claim for damages after talking to several people who have also suffered damage to their cars while traveling on city streets.

I feel that I have provided sufficient evidence to warrant an appeal. I can be reached at 277-8900 from 9-5:30 during the week and at 353-7936 after 6:00 p.m. if you have any questions or need to contact me for any reason. I look forward to hearing from you soon in response to this appeal.

Sincerely,

Valerie F. Franklin

Valerie F. Franklin

CITY OF MILWAUKEE

2001 NOV -1 PM 1:03

RONALD E. LEONHARDT
CITY CLERK

CITY ATTORNEY

01 NOV -1 PM 3:46

CITY OF MILWAUKEE
RECEIVED

Valerie Franklin
6710 North 55th Street
Milwaukee, WI 53223

October 28, 2001

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

Dear Sir or Madam:

The purpose of this letter is to seek compensation for the damages that occurred to my vehicle due to work that was being done on a city street where there was no warning sign or barricade in place. At the time of the incident I had no knowledge that a claim for damages could be filed against the City of Milwaukee. I only learned that this was possible after talking to fellow employees. Due to this lack of knowledge I am not sure of the exact date or time of the incident, because I did not know that I would need this information for future reference. But I do know that it occurred sometime in July of 2001. I was driving home from work going north on Teutonia and had just passed the intersection of Congress when I drove over what appeared to be paved over blacktop in the street, but as I drove over that particular section, I discovered that it had not been paved over completely. As I drove over this section of street I felt and heard the entire bottom of my car hit the bottom of this hole with a tremendous amount of force. The damage to the bottom of my car was not evident immediately, but within a week or two we discovered that the air conditioning in my car was not working. When my car was taken to the repair shop it was discovered that the frame at the bottom of the car was bent and that it had cut the air conditioning hose in half. Due to the severity of the damage I was told that I had to have hit a very deep hole with a great deal of force to do that amount of damage to the bottom of my car. The receipt showing a purchase from NAPA Auto Parts is for the air conditioning hose part that my husband repaired himself. At that time, I also learned that the Tie Rod End had been cracked. It eventually separated completely from my car on August 20, 2001 on my way home from work and had to be towed to the repair shop. Because of the expense of the damage I could not afford to do all the work that needed to be done all at once. When my car was taken back to the repair shop to complete the necessary repairs we also learned that the alignment could not be completed without the ball joint being replaced first. All of these repairs were a direct result from the damage that my vehicle suffered after my car fell into that enormously dangerous construction hole. The total amount for these repairs is \$410.05 and is accompanied by receipts showing the amounts paid. All of this damage occurred because a city street was being worked on and was not properly blocked off and did not have any warning signs posted that would have prevented such damage from occurring.

A few weeks ago I was coming home traveling north on Teutonia and this same section of street was being worked on again. Just as before there wasn't a sign or a barricade in place warning of the work being done, and again without notice, I drove over and into a very deep construction hole. Again I am left not knowing if any additional damage has occurred to my vehicle. However, this time a barricade was placed over that section of street the next day.

Teutonia is the quickest way for me to go to and from work on a daily basis. I can understand the all city streets need repairs done from time to time and that it can be somewhat inconvenient, but there is no reason for it to be **dangerous and costly** as well. Simply placing warning signs or a barricade over these areas can prevent losing a lot of money from costly repairs and time wasted from days missed from work due to the loss of a vehicle. My daytime work phone number is 277-8900. After 6:00 p.m. I can be reached at home at 353-7936 for any questions that you may have.

Sincerely,

A handwritten signature in cursive script that reads "Valerie F. Franklin".

Valerie F. Franklin

INVOICE

6826 W Capitol Dr Milwaukee, WI 53216-2024 414-463-6910

Mr. TONY FRANKLIN
6710 N. 55TH ST.
MILWAUKEE WI 53223
414-353-7936

93 Pontiac Bonneville
1G2HX53LAP1282234
34500
In: 78,003 m

4903
Invoice # 42225935
Aug 25, 2001
1:38 PM
Service # 48269

Steering & Chassis serviced by LESTER D. R.

	Qty	Warranty	Item	Location/Description	Units	Price	Amount	Net
Required	1	Lifetime	L-871003A	Four Wheel Alignment ****		49.99 *	49.99	49.99
Required	1	12 Months	K-5295	LW/LH/RH Ball Joint		116.70	116.70	116.70
Required	1	See Warrty Card	LS-8007	Ball Joint Labour	1.20	55.00	66.00	66.00
Subtotal								232.69
(900) Discount								23.27
Steering & Chassis								209.42

Guarantees and/or warranties are not transferable

Tax \$11.73
Total \$221.15

Tender	Date	Auth. #	Account	Amount
Cash				\$240.00
				Change: \$18.85

LH-Left Hand RH-Right Hand RR-Rear FR-Front UP-Upper LW-Lower IN-Inner OT-Outer CT-Center

Thank you for coming to CAR-X
We are committed to Customer Satisfaction.
Please contact us with any questions or comments.
JOHN GRULKOWSKI (MANAGER) 414 463-6910
JOHN RAU AREA SUPERVISOR 414 481-7333

"PAID RECEIPT"

Waste Disposal and shop supplies cover waste charges and miscellaneous material associated with the work performed.

Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911.

INVOICE

6826 W Capitol Dr Milwaukee, WI 53216-2024 414-463-6910

Mr. TONY FRANKLIN
6710 N. 55TH ST.
MILWAUKEE WI 53223
414-353-7936

93 Pontiac Bonneville
1G2HX53L4P1282234
34500
In: 78.003 m

4903
Invoice # 42225904
Aug 21, 2001
5:58 PM
Service # 48256

Steering & Chassis serviced by LESTER D. R.

	Qty	Warranty	Item	Location/Description	Units	Price	Amount	Net
Required	1	12 Months	ES-2261RL	OT/LH/RH Tie Rod End		65.70	65.70	65.70
Required	1	See Warrty Card	LS-8010	Tie Rod End Labour	.50	55.00	27.50	27.50
Steering & Chassis								93.20

Guarantees and/or warranties are not transferable

Tax \$5.22
Total \$98.42

Tender	Date	Auth. #	Account	Amount
Cash				\$100.00
			Change:	\$1.58

LH-Left Hand RH-Right Hand RR-Rear FR-Front UP-Upper LW-Lower IN-Inner OT-Outer CT-Center

Thank you for coming to CAR-X
We are committed to Customer Satisfaction.
Please contact us with any questions or comments.
JOHN GRULKOWSKI (MANAGER) 414 463-6910
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Citi® Platinum Select® Card

For Customer Service, call or write
1-800-950-5114

Account Number

Tony & Valerie Franklin

Payment must be received by 1:00 pm local time on 08/27/2001

To report billing errors, write
to this address; calling will
not preserve your rights.

BOX 6000
THE LAKES, NV
89163-6000

Statement/Closing Date
08/02/2001

Available Credit Line
\$7679
Amount Over
Credit Line
\$0.00 +

Cash Advance Limit
\$4000
Past Due
\$0.00 +

Available Cash Limit
\$4000
Purch/Adv
Minimum Due

New Balance
Minimum Amount Due

7/02	7/18
7/10	7/03
7/11	7/10
7/12	7/11
7/20	7/12
7/23	7/20
7/28	7/23
7/30	7/28
7/31	7/30
8/02	7/31

PAYMENT THANK YOU

JEWEL-OSCO 408 531
VETERANS CANTEN 8695
PICK N SAVE 1-6359 SP9
WALMART 82452
PICK N SAVE 1-6359 SP9
KOHL'S 8021
SAFES MILWAUKEE STORE
NAPA AUTO PARTS
HOME DEPOT 84912

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54.46
19.98
70.15
15.11
100.12
39.33
18.55
20.48
43.32

Don't like surprises? Visit the new Cardmember
Central at www.citibank.com and view your Citi Card
account information 24 hours a day, 7 days a week.
This new site hosts your Account Online plus many
more exciting services, just for you!

Account Summary

	Previous Balance	Unpaid Charges & Advances	Payments & Credits	FINANCE CHARGE	New Balance
PURCHASES					
ADVANCES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL					

Rate Summary

	Annual Percentage Rate (APR)	Periodic Rate	Days Rate	Annual Percentage Rate
PURCHASES				
Standard Rate		0.04375(1)	18.750%	18.750%
ADVANCES		0.05417(1)	19.900%	19.900%

YOUR PAYMENTS FOR CITI CARD NO. BOX 6000 THE LAKES, NV 89163-6000

PLEASE FOLLOW PAYMENT INSTRUCTIONS ON REVERSE SIDE

Make check or money order payable to J.L. Schwabach & Co. Send to Citi Cards, Inland account number on check or money order. No cash advance.