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August 23, 2011

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claim of JAMES L ROBERTSON and
TERRY L. ROBERTSON
C.I. File Nos. 11-S-127 and 11-S-127-1

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk, and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, James Robertson, 3104 West Wells Street, Apt. 107, Milwaukee, WI 53208, and Terry L. Robertson, 3241 North 50th Street, Milwaukee, WI 53216, allege that during 2007-2008 the City illegally evicted them from their family's property located at 2933 West Burleigh Street and improperly acquired ownership of it. The City later had the property demolished. They allege that the City violated various rights belonging to them and each claim damages in the amount of \$90,000.00.

Our investigation reveals that this notice of claim was filed on May 5, 2011. Wisconsin Statute § 893.80 (1)(a) requires that a notice of the circumstances of the claim must be filed within 120 days after the happening of the event giving rise to the claim. This notice was not filed timely as regards any alleged wrongdoing before 2010.

Regarding the claim, the Department of City Development (DCD) records indicate that, due to delinquent property taxes from 2004 and 2005, the City acquired the property in a tax foreclosure on August 13, 2007. At that time the property was owned by Euphrazine Robertson and James H. Robertson. An interior inspection was scheduled on September 9, 2007. On that date, the DCD staff was able to obtain the names of the occupants but was denied entry to complete a building condition report. The occupants, James Robertson and Terry Robertson, were sent notices dated September 17, 2007 to vacate for non-cooperation. The building was successfully vacated with the assistance of the Milwaukee County Sheriff eviction squad on December 17, 2007. In the spring of 2008, the property was publicly marketed for sale. There was no success. Due to vandalism, the

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property's marketability diminished and a recommendation was issued to have the property razed and removed. The property was razed on November 19, 2010.

The Department of Neighborhood Services (DNS) records indicate that they were involved with the property on two separate occasions. They issued Order No. 5748311 on July 27, 2006 requiring the garage to be razed due to various defects. The property owner, James H. Robertson, failed to comply with the order. Subsequently, the DNS had the garage razed pursuant to Wisconsin Statute § 66.0413. As a result of the interference from the owner, the police were present. At the request of the DCD, the DNS was also later involved in the demolition of the house which was, at that time, vacant and secured. They also note that the claimants' allegations regarding the DNS employees are inaccurate.

The City followed proper procedures in these matters and did not violate various rights belonging to the claimants. The claim is untimely as to a number of the alleged harms. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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Enclosure
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