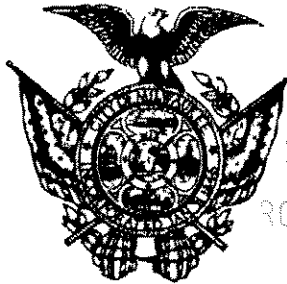


# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Deputy City Attorneys



CITY OF MILWAUKEE

2004 MAR 16 PM 12:59

RONALD E. LEONARDI  
CITY CLERK

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ROXANE L. CRAWFORD  
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Assistant City Attorneys

**OFFICE OF CITY ATTORNEY**  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

February 26, 2004

Heartland Development Group L.T.D.  
Attn: Christine Jonas  
243 East Buffalo Street  
Milwaukee, WI 53202

RE: Heartland Development Group L.T.D.  
C.I. File No: 03-S-463

Dear Ms. Jonas:

This office is in receipt of your claim in the amount of \$1,402.37, relating to cost your incurred when water was shut off to your property located at 241 North Broadway on September 9, 2003.

Our investigation reveals that the Infrastructure Services Division records indicate that they replaced a catch basin at 241 North Broadway and in the course of their work damaged an unmarked water service for this address on September 9, 2003. The Milwaukee Water Works was notified. The Water Works immediately responded, assessed the situation and scheduled the necessary repairs. Their supervisor stated that he did speak to someone at the location and indicated that the water would be turned off for approximately one hour. However, because of unexpected complications, the water was not immediately turned off, and therefore not returned to service until later that evening. An attempt was made to notify you that day. The Milwaukee Water Works could not anticipate the change in shut-off time and did attempt to notify you. In addition, Milwaukee Water Works Rule 1.2.5 requires a customer such as Heartland Development Group L.T.D. to maintain suitable means of protecting its equipment from interruptions in water service. As such, the City cannot accept liability. Accordingly, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

STEVEN M. CARINI  
Investigator Adjuster

SMC:beg  
1029-2003-3833:78083

286-2221 - Marion  
286-2486 - Attn: Marion  
Claims

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
MAR 16 PM 5:00  
2004

RECEIVED MAR 16 2004

3/ke Marion

Heartland Development wishes to appeal this decision. Please advise me how to proceed 414-298-9100.  
Christine Jones



CITY OF MILWAUKEE  
2003 DEC -1 AM 11:03  
RONALD J. SHERIDAN  
CITY CLERK

November 22, 2003

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

CITY OF MILWAUKEE  
RECEIVED  
03 DEC -1 PM 3:24  
OFFICE OF  
CITY ATTORNEY

ATTENTION CLAIMS

Dear Sir/Madam,

This letter is regarding a claim I am filing for the property located at 241 N. Broadway.

I was advised by Mark Budnik from the City of Milwaukee that they needed to schedule to replace the catch basin on Broadway. The work started on September 10<sup>th</sup>. On Friday September 12<sup>th</sup> a supervisor working on the catch basin came into out office at 243 E. Buffalo and advised me that they needed to shut off the water to the building for about 1 hour. I was informed that this would start at approximately 12:00 p.m. and the water would be back on at 1:00 p.m. I sent notice to my tenants to advise them of this.

Upon driving into work on Monday, September 15<sup>th</sup> at 7:00 a.m. I started getting calls from my tenants that they had no air conditioning in their suites which I called my mechanical contractor to the property.

Upon arriving to our office and going into the tenants suites they advised me that on September 12<sup>th</sup> some of the tenants noticed that when using the bathrooms and flushing the toilets that no water filled the toilets and this was at 4:00 p.m. The receptionist also advised me messages were left in the voice mail box on Friday regarding no water. These messages were received after 4:30 when the office is closed. I called Mark Budnik to advise him that my water had been turned off for four hours instead of the one hour I was informed of. He advised me he would check into it and call me back. He stated he spoke with the supervisor of this job and they ran into problems and that the water was turned off longer than to be expected. I advised Mark we never received any notice that the water would be off longer than the original notification of one hour.



If someone would have come into our office and advised us that the water was going to be off for this long of a period I could have shut down my rooftop evaporator. Since the system was not shut down it caused all systems of each floor to go into default mode. I then had to have my mechanical contractor reset all 6 floors for which I have enclosed the invoice for.

It also caused two of our hot water heaters to burn out an element due to no water being supplied to the unit. I have also enclosed a copy of this invoice. Should you have any questions regarding this claim please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Christine Jonas".

Christine Jonas  
Property Manager

TEKO mechanical, inc.

# Invoice

P.O.BOX 1022  
 WAUKESHA, WI 53187

Date	Invoice #
9/15/2003	1585

Bill To
Heartland Development Attn: Chris Jonas 243 E. Buffalo Milwaukee, WI 53202

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
1330	Net 30	Tom				

Quantity	Item Code	Description	Price Each	Amount
16	REGULAR LABOR	Water had been shut down to building - water tower shut down. All A/C equipment tripped on high head pressure - water inlet to tower disassembled & cleaned - reset and gauged all circuits to verify that head pressures are ok and that no damage to refrigeration circuits - 6 stories - 26 refrigeration circuits.  2 men @ 8 hours each to repair TAX WI	65.00 5.60%	1,040.00T 58.24

RECEIVED SEP 17 2003

Thank you for your business!  
 Phone: 262-547-5800 / Fax: 262-547-5831

**Total** \$1,098.24

**TOTAL COMFORT**  
OF WISCONSIN, INC

W234 N2830 Paul Road  
Pewaukee, Wisconsin 53072  
(262) 523-2500 • Fax (262) 523-2530

Invoice Number : 10441-PL  
Invoice Date : 11/26/2003  
Customer Number : 21251  
Job Number :  
Due Date : 12/26/2003

HEARTLAND DEVELOPMENT  
243 E BUFFALO ST  
MILWAUKEE, WI 53202

241 N BROADWAY

DESCRIPTION AMOUNT

REPLACE ONE ELEMENT EACH FOR WATER HEATERS ON FIFTH  
& SIXTH FLOOR AT 241 N BROADWAY (work completed 9-17-03)

ELEMENTS	2.00	14.0000	28.00
LABOR	4.00	65.0000	260.00
GROSS BILLINGS :			288.00
LOCAL SALES TAX :			16.13
NET BILLINGS :			304.13

**THANK YOU**



CITY OF MILWAUKEE  
 2004 MAR 22 PM 1:52  
 TONAL CITY CLERK

FAX COVER SHEET

To: Marion – Attn: Claims

Date: March 22, 2004

From: Chris Jonas

Fax No: 414-286-3456

No of Pages (including this cover page) 1

Dear Marion,

On March 16<sup>th</sup> I sent a fax to you regarding a claim I submitted to the City of Milwaukee that I wanted to appeal.

Please advise me of what is the procedure to appeal the decision of the letter dated February 26, 2004 from Mr. Steven Carini.

Sincerely,

Christine Jonas  
Property Manager