

5th Ward Partners LLC

PO Box 676 Mequon, Wisconsin 53092 414-788-1764

November 30, 2016

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

Dear City Clerk:

We wish to appeal this decision.

Sincerely,



Richard D'Aloia

RECEIVED
DEC 5 - 2016
OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
2016 DEC -2 P 2:45
CITY CLERK'S OFFICE

CITY OF MILWAUKEE
 Office of the City Attorney
 OFFICE OF THE CITY ATTORNEY
 800 City Hall
 200 East Wells Street
 Milwaukee, Wisconsin 53202-3551

U.S. POSTAGE PERMIT NO. 1000 MILWAUKEE, WI
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5th Ward Partners LLC
 c/o Richard D'Aloia
 P.O. Box 676
 Mequon, WI 53092

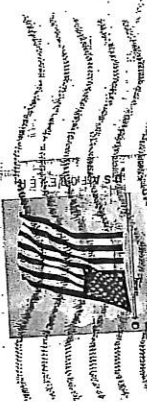


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P.O. Box 676
Mequon, WI 53092

MILWAUKEE WI 530
530 9202-357099



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

53202-357099



5th Ward Partners LLC

RECEIVED

OCT 5 - 2016

OFFICE OF
CITY ATTORNEY

September 26, 2016

City Clerk
City of Milwaukee
205 East Wells Street
Milwaukee, Wisconsin 53202

CITY OF MILWAUKEE
2016 OCT - 4 A 11: 05
CITY CLERK'S OFFICE

Dear City Clerk:

5th Ward Partners LLC owns the building at 505 South 5th Street Milwaukee, WI 53204. In this building the interior ceiling consists of frame and ceramic ceiling tiles.

After purchasing the building in 2010 it used as a parking garage. In the 5 ½ years of use we never experienced problems with the ceiling tiles in any manner.

In late spring 2016 (May – June time frame) street construction commenced on South 5th Street to replace the street and sidewalk surface. During that time we had many occurrences where ceiling cracked and fell onto the building floor.

We had the entire building ceiling tiles inspected and dealt with the tiles that had fallen. The opinion of the inspecting company is that excavating and road work pounding/vibrating caused the tiles to fail.

At the present time we would like the City of Milwaukee to reimburse us for our current out of pocket expenses of \$1,203. If there is further damage or needs we will readdress at that time.

1. I have attached the invoice for the cost of the inspection
2. I can be reached at 414-788-1764

Respectfully,



Richard D'Aloia

R. D. WOODS
PO Box 342412
West Milwaukee, WI
53234

RECEIVED
OCT 5 - 2016
 OFFICE OF
 CITY ATTORNEY

Invoice

DATE	INVOICE #
8/24/2016	1663

BILL TO
5th Ward Partners, LLC PO Box 676 Mequon, WI 53092 Attn: Rick D'Aloia

P.O. NO.	TERMS	PROJECT

DESCRIPTION	AMOUNT
Labor and equipment to complete the inspection of ceiling tile at 505 S. 5th Street as follows;	
8/16/16 - 2.5 hours @ \$68.00 per hour	170.00
8/17/16 - 3.5 hours @ \$68.00 per hour	238.00
Rental and trucking for scissors lift (Hard copy of invoice will be sent when we receive it)	795.00
<i>Pd on 9/12/16</i>	
Total	\$1,203.00

OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a state-law 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 the instruction sheet. Generally the statute requires the claimant to serve on the City Clerk a document stating the circumstances of the claim. The document must be signed by the claimant, or his/her agent or attorney, and should be served within 120 days of the event.

The claimant must also present to the City Clerk 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.)

Submitting the following additional information will allow the City to act on your claim more promptly:

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

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 to determine 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.



893.80 Claims against governmental bodies or officers, agents or employes; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency there of nor against any officer, official, agent or employe of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employe under s. 801.11 Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or the the defendant officer, official, agent or employe; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.