

NOTICE OF CLAIM & CLAIM

Pursuant to sec. 893.80(1), Stats.

TO:

City Clerk – City of Milwaukee
City Hall, Rm. 205
200 E. Wells St.
Milwaukee, WI 53202

CITY OF MILWAUKEE
09 MAR -4 PM 3:41
RONALD D. LEONHARDT
CITY CLERK

CLAIMANT:

Makbul Sajan
18925 Cavendish Rd.
Brookfield, WI 53045

AMOUNT: \$900,000.00 (nine hundred thousand dollars); some or all of which may be subject to “doubling” for “waste” pursuant to sec. 844.19(2), Stats.

PLEASE TAKE NOTICE OF THE FOLLOWING CLAIM

Claimant by undersigned counsel hereby gives notice of his claim against the City of Milwaukee, arising out of the negligent removal and destruction of Claimant’s personal property and fixtures (i.e., three underground gasoline storage tanks) at 5100 West Burleigh St., Milwaukee, WI; which has caused Claimant substantial damages by virtue of having invaded, interfered with, and/or deprived Claimant the use, interest and value of his real estate, personal property, and fixtures located at that address.

Specifically, on or about January 23 - 29, 2009, the City of Milwaukee by its Department of Neighborhood Services and its agents or apparent agent(s) -believed to include Petroleum Construction Service, Inc. (hereinafter collectively referred to as the “City”)- removed three underground gasoline storage tanks from the Claimant’s real estate at said address.

CITY OF MILWAUKEE
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CITY ATTORNEY

Despite being warned in advance by Claimant’s counsel that the tanks constituted personal property and/or fixtures under sec. 66.0413(1), Stats., -and therefore were to be

stored and not destroyed - the City nonetheless proceeded to negligently remove and/or destroy the tanks; and/or further failed to credit Claimant with the value of any such "salvage" - contrary to sec. 66.0413(i)-(j), Stats. Therefore the City's actions and inactions were deliberate and intentional, and were accomplished in reckless disregard of the Claimant's rights and interests. The value of each tank is estimated to be approximately \$80,000.00 (eighty thousand dollars).

Moreover, due to recorded "deed restrictions" imposed upon the Claimant's real estate at 5100 West Burleigh Avenue, Milwaukee, Wisconsin, it may only be used for the purposes of operating a gas station; and therefore, said negligent removal and destruction of the tanks has caused Claimant to suffer a loss of the fair market value of such real estate, in the estimated amount of \$660,000.00 (six hundred sixty thousand dollars).

Such negligent removal and destruction of said tanks has also now exposed the Claimant to significant liability relating to third parties to whom Claimant may be contractually bound to sell gasoline and share profits (including E.H. Wolfe and/or "B.P."/British Petroleum).

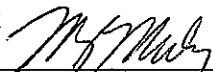
Claimant also gives notice of his claim for (and his intent to seek a) declaratory judgment negating any special assessment or charges to be imposed against him by the City for the costs relating to the negligent razing and restoration at said address; and/or for judgment offsetting his damages (against any such special assessment or charges).

The actions and inactions of the City were arbitrary, unreasonable, capricious unjust and oppressive; and/or due to ill will and personal dislike and prejudices against the Claimant; and otherwise constitute: actionable "waste" which calls for double damages pursuant to sec. 844.19(2), Stats.; and/or an (actual or constructive)

unconstitutional "taking" of the plaintiff's personal and/or real property for which Plaintiff has not been justly and reasonably compensated. The actions and inactions of the City may also give rise to other causes of action not specifically named herein.

Claimant makes this notice of claim with a full reservation of rights, relief, and objections; including his claims for discrimination and/or the violation of his federal constitutional rights, which are not subject to the Notice of Claim procedure set forth in sec. 893.80, Stats.

Dated: 3-4-09

By: 

Attorney Mark P. Murphy

State Bar No. 01017745

Attorney for Claimant, Makbul Sajan

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