

June 18, 2004

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

Re: Communication from Eva Henning
on behalf of Mackcenet Henning
C.I. File No. 04-S-113

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.

Claimant, Mackcenet Henning, 5947 North 74th Street, Milwaukee, WI 53218, alleges through her daughter, Eva Henning, also of the same address, that on December 15, 2003 she sustained damages when the City razed her house. She claims damages in the amount of \$43,195.77.

Our investigation reveals the Department of Neighborhood Services indicates that the property met all of the requirements for a nuisance declaration. As such, on January 10, 2003 they started a raze file on the property. On January 21, 2003 a pre-raze letter, which addressed the City's intent to pursue raze actions, was sent to the owner. The raze-order was issued on March 7, 2003. The order was personally served on the owner on March 12, 2003. On March 17, 2003 the owner called the department about the order. The appeal rights and requirements for obtaining permits to restore the property and potential for razing were explained to the owner. On March 26, 2003 the department received copies of an estimate addressing some exterior

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repair and a statement of funds from the owner. They called the owner and explained deficiencies in the proposal and requirements for obtaining permits to restore the property. On April 8, 2003 the time period to file an appeal ended. No appeal was filed. No proposals were received from the owner and no permits to repair were issued. On June 23, 2003 the department inspected the property, found no improvements and referred the property for advertisement for demolition bids. On October 20, 2003 a letter was sent to the owner indicating that bids have been taken to raze the property and that the owner should remove any contents they wish to retain. The City received no contact from the owner and had no reason to believe anything remaining had value. The building was razed on December 15, 2003. The City followed its established razing procedures and as such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1053-2004-1196:82081