

August 10, 2004

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

Re: Communication from Dennis Gabriel  
On behalf of Gabriel Property Management  
C.I. File No. 04-L-54

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, Dennis Gabriel, 8733-36<sup>th</sup> Avenue, Kenosha, WI 53142, for Gabriel Property Management alleges that on or about March 3, 2004 they sustained damage to their property located at 4708-4710 West North Avenue due to unlawful board ups by the City of Milwaukee. They claim damages in the amount of \$17,670.00.

Our investigation reveals that on February 9, 2004 Municipal Judge James Grambling issued an inspection warrant for the subject property due to the claimant's/owner's failure to permit the required annual fire inspection. The inspection was completed and it revealed the owner living in an illegal dwelling unit and there was illegal storage on the first floor. After the inspection was completed the property was secured by a Department of Public Works (DPW) board-up. The Department of Neighborhood Services (DNS) issued orders to vacate said property. The owner appealed these orders to the Standards and Appeals Commission and they upheld the orders. The DNS made phone contact with the owner regarding another inspection of the

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property to ensure vacancy and subsequent boarding-up and securing of the property on March 2, 2004. The DNS advised the owner to be present during this inspection to avoid the necessity of added costs. The owner failed to cooperate, DNS placarded the building and the Milwaukee Police Department (MPD) conducted the search to ensure vacancy. The building was secured by means of a DPW board-up. On March 3, 2004, the MPD observed the owner with a cordless drill in his possession enter the boarded-up building. The owner was then arrested by the MPD for this placard violation and the building was again boarded-up by DPW. The owner returned to the building after being arrested and again the MPD returned to the property. The owner said he noticed a ladder next to his property and the back door was kicked in. The MPD checked the building and found all was secured. They again had the building secured. The City departments involved in this series of events followed their standard operating procedures and as such, the City cannot accept liability. 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  
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