

October 12, 2005

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

Re: Communication from Beverly K. Bothe  
C.I. File No. 05-L-122

Dear Council Members:

We return the enclosed document which has been introduced and referred to the Committee following recommendation.

Claimant, Beverly K. Bothe, 3246 South Taylor Avenue, Milwaukee, WI 53207-2726 alleges that on April 25, 2005 she sustained damages when the City removed items from her property. She claims damages in the amount of \$40,000.00.

Our investigation reveals that the Department of Neighborhood Services records indicate that on April 12, 2005 an order was issued to the claimant for removal of debris consisting of brush and yard waste from the alley line, nuts, shells and food waste from the back yard and to cease ground feeding of squirrels. The order was posted on the property and subsequently mailed to the claimant on April 13, 2005. They briefly spoke with her that day and she was not willing to listen to the inspector regarding the required clean up. A re-inspection on April 21, 2005 revealed that the condition was unchanged. A contractor was at the property on April 25, 2005 and performed a clean up. A large amount of debris was removed along with two old garbage cans full of debris. The City acted appropriately in this matter and as such would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
1053-2005-2277-97718