

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

October 5, 2006

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

Re: Resolution relating to claim of Benjamin & Delsenia Harris
C.I. File No. 06-L-62

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.

Claimants, Benjamin & Delsenia Harris, 2606 West College Avenue, Milwaukee, WI 53221 allege that City of Milwaukee failed to contact them regarding their reported stolen vehicle being at the City of Milwaukee Tow Lot. The vehicle was subsequently sold. They claim damages in the amount of \$7,289.00 for the vehicle's value and outstanding tow fees.

Our investigation reveals that the claimants' 1997 Cadillac was towed to the tow lot on April 24, 2006 for obstructing traffic. The tow lot records reflect they sent a notice on April 26, 2006 to the owners listed with the Wisconsin Department of Motor Vehicles. The vehicle's Vehicle Identification Number was evaluated by the Milwaukee Police Department (MPD) for validity and the vehicle was stored pending verification of the ownership.

On May 9, 2006, the vehicle's status was changed to recovered stolen after the claimants' had reported it stolen with the MPD. On or about that date the MPD notified the claimants that the car was recovered and in the custody of the tow lot. The notices regarding the vehicle were then sent to Delsenia Harris at the last reported Illinois address.

Mr. Harris then met with the Parking Citation Review Manager on or about June 13, 2006 and he waived 30 days of storage fees. The tow lot manager indicated Mr. Harris was at the tow lot regarding his vehicle. He was informed at that time regarding the

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pending disposition of his vehicle. A certified notice was also mailed to the Harris' new address here in the City of Milwaukee. This notice indicated the vehicle would be sold or destroyed if not recovered by June 22, 2006. The vehicle was sold on June 23, 2006. The claimants' vehicle was sold per applicable regulation and the City followed proper procedures, as such, we recommend this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1044-2006-2102:110368