

William F. Culp
5634 W. Oklahoma Apt. #104
Milwaukee, WI 53219

April 21, 2008

Milwaukee City Clerk
200 East Wells St. RM 205
Milwaukee, WI 53202

Reference: Office of City Attorney Letter 1029-2008-280:131169 of April 3, 2008

CITY OF MILWAUKEE
08 APR 22 AM 9:45
RONALD D. LEONARDI
CITY CLERK

Dear Sir or Madam,

This letter is in response to the referenced letter from the City Attorney. It is my wish to appeal the denial of my claim against the City (C.I. File No: 08-S-50). The decision to deny my claim was based on the fact that the City had no notice of the hazard in the roadway and because of lack of notice the City is not liable. Also, in the letter, the investigator referred to this hazard as a "pothole".

The basis for my appeal is that the hazard in question was not a pothole, but a construction area that was not properly repaired, and was unmarked by barricades or traffic cones. The fact that it was an area under repair would indicate that this hazard was known to the City. I would hope that you would not consider an area 10 feet long and 6 feet wide with a drop-off of approximately 10 inches a "pothole".

The pictures provided with my initial claim clearly show saw marks in the concrete. This is further proof that the City workers cut out the concrete, and worked on the area. The City knew this was a construction area. The fact that the whole repaired area sunk indicates negligence on the part of the repair crew in effecting the repair. This area as, a minimum, should have been labeled as a potential road hazard until the repair was completed satisfactorily.

I ask that you to please review this letter and grant me a hearing.

Sincerely,



William F. Culp
(414) 702-4560

CITY OF MILWAUKEE
2008 APR 22 PM 3:31
OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE

CLAIM FOR DAMAGES.

08 JAN 28 PM 4:18

RONALD D. LINDHARDT
CITY CLERK

Claimant Name: William F. Culp
Claimant Address: 5634 W. Oklahoma Apt. # 104
City, State, Zip: Milwaukee, WI 53219
Phone Number: 414-702-4560
Date: January 28, 2008

RE: Claim Against the City of: Milwaukee
Date of Loss: October 15, 2007

CITY OF MILWAUKEE
OFFICE OF
CITY ATTORNEY
2008 JAN 29 AM 8:46

To Whom It May Concern:

Pursuant to Wisconsin Statute 893.80(1b), I am filing this written claim for damages and attendant expenses caused by a large, unmarked depression in a Milwaukee city road street.

Description of the Incident

Location – Corner of 59th and Appleton (driving direction northwest.)
On October 15, 2007 at 9:55 AM, I was driving my 1996 Ford Mustang on Appleton Ave. in the 5500 to 6000 block. In the process of changing lanes to make a right turn onto 60th St, I slammed into a work zone that was neither marked nor had barricades. The work zone looked to be approximately 9 feet long by 5 feet wide and ranging in depth between 8-12 inches in some spots. Because I was following traffic, and was forced into the right lane for the turn, I had little warning of this hazard. I was traveling at approximately 15 miles per hour at impact.

The impact bent my right front and right rear rims. Some damage was done to my ABS sensor as it now goes off, intermittently. Another driver, whose car was heavily damaged by the impact, observed my impact with the hazard.

After the impact, I noticed vibration from the bent wheels and stopped to check the damage. My center cup from the rim was broken and flew about 35 feet from the zone. There were hubcaps and center caps and lug nuts on the road and sidewalk. It was obvious that a number of cars had hit this hazard and this can be seen in the attached photos. Police were summoned, but the officer who arrived on the scene refused to make a report or view the damaged cars. While I was still at the scene a work crew arrived to repair the hazard.

Witness:

Sylvia Jones
6013 W. Carmen
Milwaukee, WI 53218
414-380-4323

Craig McPhan
414-698-4323

Relief Sought:

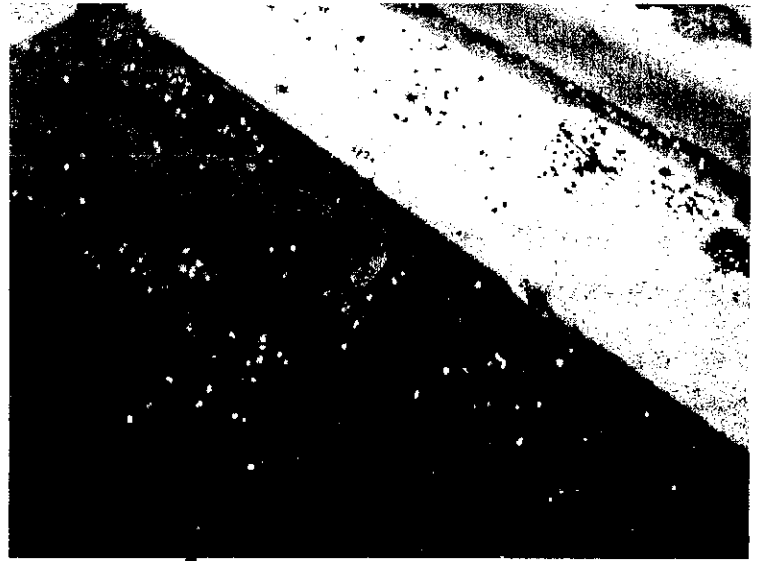
Cost of obtaining initial estimate – Braeger Ford	\$49.66
2 right side rims @ \$379.83 each	\$759.66
1 center cap	\$28.73
2 P225/50 Tires @ \$111.95 each	<u>\$223.90</u>
Claim Total	\$1,061.95

Sincerely,



William F. Culp

Attachments: Photos from hazard scene (3 pages)
Damage Estimate Braeger Ford
Damage Estimate Hiller Ford



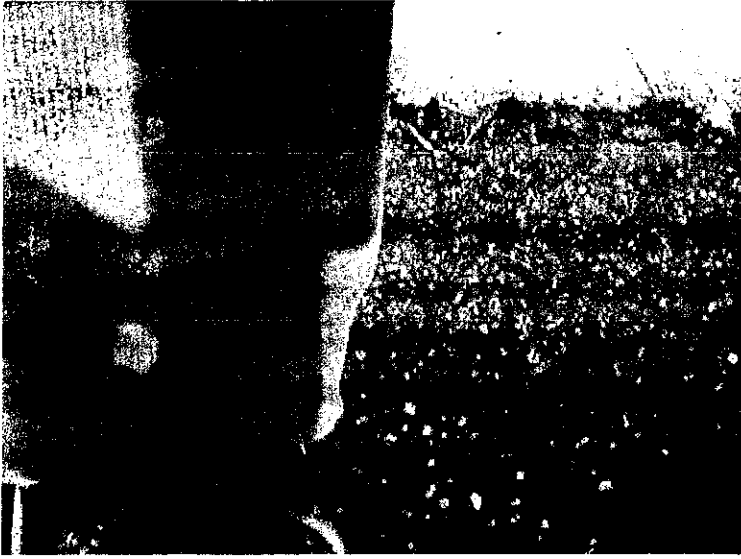
Depth of hole



Overall view of hole



Note cones on sidewalk - none in road



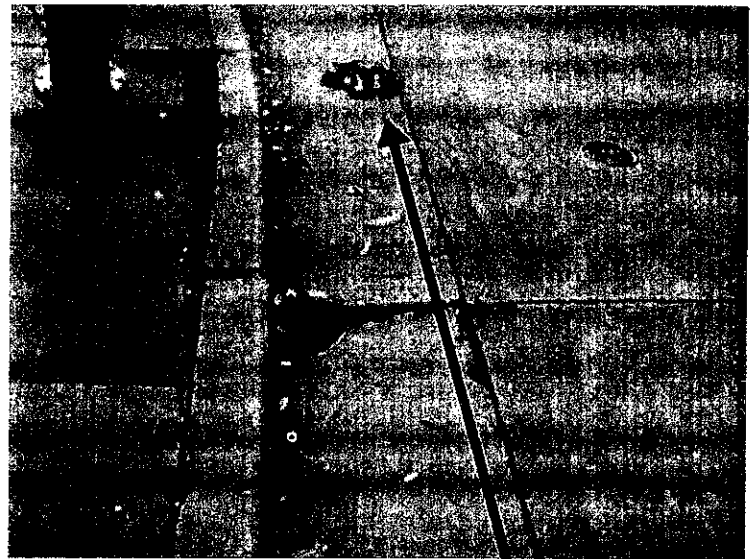
Gives an idea of the depth of the hole



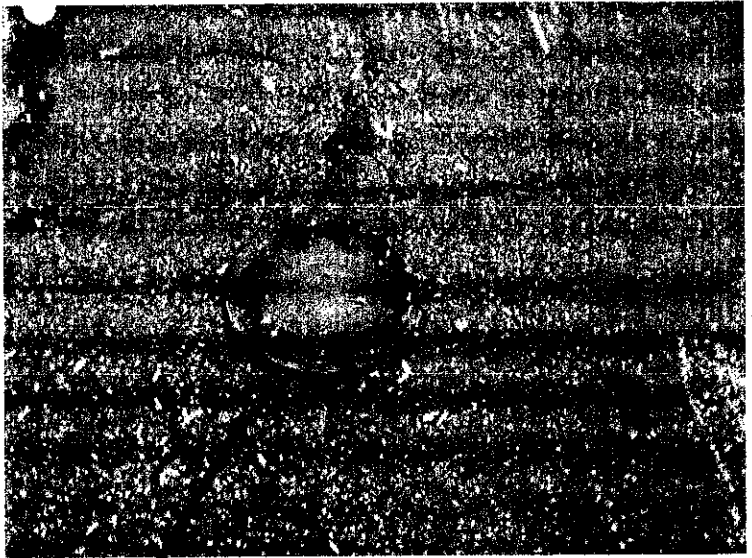
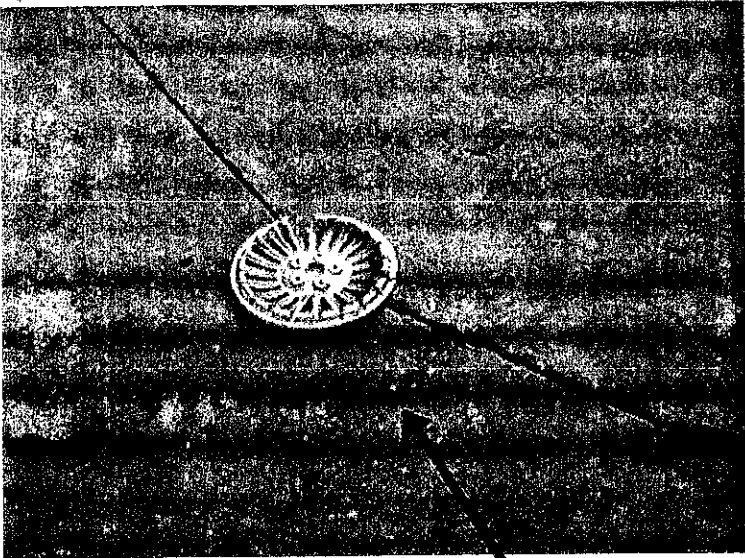
Bent rim on front wheel



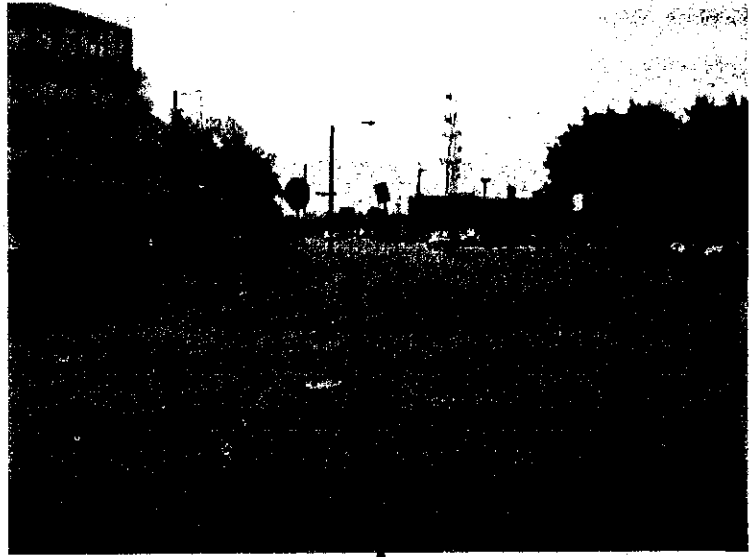
Bent rim on rear wheel



Debris



Debris



Location of Hole



Motorcraft



Hiller Ford

Since 1954

6455 S. 108th. St.

FRANKLIN, WISCONSIN 53132 Phone (414) 425-1000

Nationwide Toll Free

Local Hotline (414) 425-3085

1-800-462-4685

Local Fax (414) 529-1014

NO RETURNS WITHOUT THIS INVOICE
NO REFUNDS OR EXCHANGES ON ELECTRICAL
OR SPECIAL ORDERED PARTS. 20% HANDLING
CHARGE ON RETURNABLE ITEMS.
NO RETURNS AFTER 30 DAYS.

Toll Free Fax

1-800-541-9458

www.hillerford.com

DATE ENTERED	YOUR ORDER NO.	DATE SHIPPED	INVOICE DATE	INVOICE NUMBER
22 JAN 08		22 JAN 08		155914

S
O
L
D
T
O

ACCOUNT NO. 1000

CASH RTL TAX

QUOTE

SHIP TO

FORD COMP

16:47

PAGE 1 OF 1

SHIP VIA	SLSM.	TAX #	TERMS	SALESPERSON
	HASZ		CASH RETAIL	STEVE H

ORD.	SHIP	B.O.	QUANTITY	PART NUMBER	DESCRIPTION	LIST	NET	AMOUNT
1	1	0		F6ZZ*1007*MA	WHEEL A	379.83	379.83	379.83
1	1	0		F4ZZ*1130*D	COVER -	28.73	28.73	28.73
1	1	0		9001*3996975*08	P225/50	147.95	139.25	139.25
**** I N V O I C E Q U O T E - D O N O T P A Y ****								

CUSTOMER COPY

DISCLAIMER OF WARRANTIES: Any warranties on the products sold hereby are those made by the manufacturer. The Seller, HILLER FORD, Inc., hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and HILLER FORD, Inc., neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

PARTS	547.81
SUBLET	
FREIGHT	0.00
SALES TAX	30.68
TOTAL	\$578.49

CUSTOMER'S SIGNATURE

DELIVERY TIME: _____ DELIVERED BY: _____

206083

218706



INVOICE

WILLIAM CULP
5634 W OKLAHOMA
MILWAUKEE, WI 53219
HOME:414-702-4560 BUS:

PAGE 1

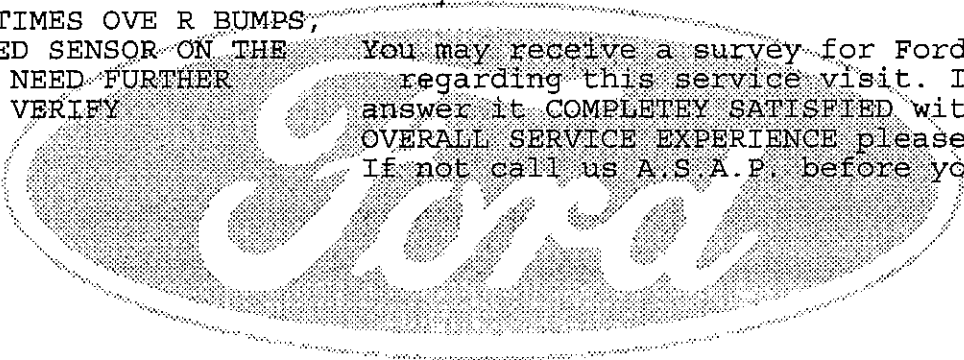
4201 SOUTH 27th STREET
GREENFIELD, WISCONSIN 53221
PHONE (414) 281-6100
www.braeger.com.

SERVICE ADVISOR: 4958 JESSIE JABLONOWSKI

Table with columns: COLOR, YEAR, MAKE/MODEL, VIN, LICENSE, MILEAGE IN/ OUT, TAG, DEL DATE, IN SERVICE DATE, WARR. EXP., PROMISED, PO NO., P&A CODE, PAYMENT, INV. DATE. Includes vehicle details for a 1996 Ford Mustang.

Table with columns: LINE, OPCODE, TECH, TYPE, HOURS, LIST, NET, TOTAL. Includes a line item for passenger side rims and tires damage.

CUSTOMER PAY HAZARDOUS WASTE REMOVAL FOR REPAIR ORDER 2.03
CUSTOMER STATES ABS LIGHT Are you COMPLETELY SATISFIED with Braeger ?
COMES ON AT TIMES OVE R BUMPS, You may receive a survey for Ford Motor Co.
MAY BE A SPEED SENSOR ON THE regarding this service visit. If you can
DAMAGED SIDE NEED FURTHER answer it COMPLETELY SATISFIED with your
DIAGNOSIS TO VERIFY OVERALL SERVICE EXPERIENCE please send it in.
If not call us A.S.A.P. before you send it in



DISCLAIMER OF WARRANTIES
The dealer is not a party to any Manufacturer's warranty on parts or service contained herein. THE DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO ANY PARTS, LABOR OR DIAGNOSTIC SERVICES FURNISHED UNDER THIS ORDER.

WE SERVICE FORD, LINCOLN AND MERCURY CARS AND TRUCKS.
SERVICE DEPT. HOURS MONDAY - THURSDAY 7:00 am - 7:00 pm, FRIDAY 7:00 am - 6:00 pm, SATURDAY 8:00 am - 5:00pm
PARTS DEPT. HOURS MONDAY - THURSDAY 7:30 am - 7:00 pm, FRIDAY 7:30 am - 6:00 pm, SATURDAY 8:00 am - 5:00pm
SERVING MILWAUKEE MOTORISTS SINCE 1923

Table with columns: DESCRIPTION, TOTALS. Includes items like LABOR AMOUNT (45.00), PARTS AMOUNT (0.00), GAS, OIL, LUBE (0.00), SUBLET AMOUNT (0.00), MISC. CHARGES (2.03), TOTAL CHARGES (47.03), LESS INSURANCE (0.00), SALES TAX (2.63), PLEASE PAY THIS AMOUNT (49.66).

CUSTOMER SIGNATURE

CUSTOMER COPY



4201 SOUTH 27th STREET
 GREENFIELD, WISCONSIN 53221
 PHONE (414) 281-6100

4225752

AMOUNT	PAID BY	COMMENT
49.66	CASH	218706

WILLIAM CULP
 5634 W OKLAHOMA
 MILWAUKEE
 206083

WI

53219

TOTAL RECEIVED: \$49.66

DATE-TIME: 20OCT2007 08:55
 CASHIER: 30DW
 LOCATION:
 CASH DRAWER:

CASH RECEIPT

ACCOUNTING DISTRIBUTION

CO	JOURNAL	CO	ACCOUNT	AMOUNT	CONTROL	CONTROL2
30	56	30	10101	49.66		
		30	10100	-49.66	218706	

CASH RECEIPT
 CUSTOMER COPY