

November, 2001

CITY OF MILWAUKEE

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City of Milwaukee
City Clerk
Attn: Claims
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202-3567

RONALD D. LEONHARDT
CITY CLERK

Dear City Clerk or to whom it may concern,

I am not happy to be writing this letter again, but the Common Council disallowed my first claim with the City of Greenfield on October 16, 2001. After I received my certified letter for the disallowance, with no explanation, of why my claim was disallowed, I then called The City Attorney, Roger Pyzyk. He told me that the City of Milwaukee Water Dept. was the negligent party, not the City of Greenfield.

So, now I will try to explain to the best of my ability, about the incident that occurred on my drive home from work on Wednesday, August 1, 2001, at approximately 4:50p.m

With the project going on in my neighborhood, installing storm sewers, storm sewer and water laterals, I have tried to be as cautious and careful as possible driving to and from work every day. On the night of August 1st I turned off of Coldspring Road and looked down 49th Street, before I proceeded. In the 4300 block of 49th St, I could see a yellow Milwaukee D.P.W. truck parked on the west side of the street along with a pile of gravel. There was a man walking south down the street and a barricade about in the middle of the block on the east side, which is where a water main break had occurred earlier in the day.

Looked to me like I could make it down the entire block, so I proceeded. To my surprise, when I got close to where the barricade was, I sunk into mud up to the bumper of the front end of my car. The tires on the driver's side were above ground, but the tires on the passenger's side were in mud, about half way up... I was very upset.

I tried to get out of the mud, but did not succeed. I opened the door to get out of the car and my foot started to sink in the mud. Just then a Milwaukee city worker appeared and said if he had seen me driving down the street, instead of being busy cleaning out the inside of the City truck, that I had just passed, he would of told me that I could not make it down the street.

I said I think it's kind of late for that now, but wouldn't it of been better if you would of barricaded that area off, especially if you knew that it was unsafe for driving on. He said that they were partially at fault, but that I needed to get towed out of there now because the hole next to where I was stuck, needed to be filled in that night.

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He also said that no one working in the area would be liable to tow me out that I had to do my own tow. At that time, he gathered some bricks and large stones and placed them in the mud next to my car, so I could get out of the car. He also said that I should contact the Arby Construction Co listed on the back of the barricade, which he was showing me, to collect for towing charges.

Being a single parent, my first priority was to walk home and check on my daughter and then call for a tow. The towing service said I should go back to my car and wait for the tow truck. My daughter and I walked back to my car and waited for the tow truck, which arrived in about half an hour.

The towing service hooked my car up and pulled me out. Then the man from the towing service could not get the chain off my car, so we continued to stay there until the man from the towing service and one of the neighbors finally got the chain off.

After that the towing service made sure my car was able to drive and advised me to have it checked out as soon as possible. I drove home, and arrived there about 8:00p.m. My car was a complete mess, and by this time, so was I.

The following day, August 2nd, I went to Foster Pontiac, during my lunch hour, to get my car checked out and see if there was any damage, due to being stuck in the mud hole. I received an estimate in the amount of \$795.91, which I am enclosing a copy of with this claim.

The body shop at Foster Pontiac told me that to do the work on my car would take a minimum of three days and a maximum of five days, which at that time I will be in need of a rental car. The cost of the rental car would range from \$23.00 to \$30.00 per day, depending on the kind of vehicle available at the time needed.

If any more information is needed from me regarding this incident, please contact me either at work or at my home. The following is a list of my phone and fax numbers.

WORK PHONE: (414) 671-7487 (HAS VOICE MAIL)
FAX NUMBER: (414) 671-7672
HOME PHONE: (414) 327-2014 (HAS ANSWERING MACHINE)

Sincerely yours,

SUSAN COYLE
4461 SOUTH 49TH STREET
GREENFIELD, WISCONSIN 53220-3622



FOSTER



WE SERVICE ALL MAKES AND MODELS

3636 SOUTH 27TH STREET • MILWAUKEE, WISCONSIN 53221
(414) 282-5000 • FAX (414) 282-5855

Name SUSAN A. COYLE
Address 4461 S. 49th st
Greenfield WI 53220

Date 8/2/01
Phone H 414 327-2014 / W 672-7487
Ins. Claim # AVG21-1780 Badger
DOL 8/1/01

YEAR-MODEL-COLOR		MAKE OF CAR	BODY TYPE	LICENSE NO.	SERIAL NO.	MILEAGE	
98 Pontiac		Pont	Rdr				
REPAIR	REPLACE	SUBLET WORK			PARTS & MATERIALS	LABOR	REFINISHING
	X	Front Bumper Cover			325.00	1.7	3.0
		Tone tone					.6
		Rear splash shield			22.90	.2	
		4 wheel Alignment				M1.5	
		Materials \$75.60					
		TOWING					

SUB-TOTALS 75.60 347.90 179.00 151.20

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS STARTED, WORN OR DAMAGED PARTS WHICH ARE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY, THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. PARTS PRICES SUBJECT TO CHANGE WITHOUT NOTICE. THIS ESTIMATE IS FOR IMMEDIATE ACCEPTANCE.

TOTAL 753.70
SALES TAX 42.21
GRAND TOTAL 795.91

THIS WORK AUTHORIZED BY _____



CERTIFIED MAIL NO. 7000 0600 0027 9662 9291

RESOLUTION NO. 3000

IT IS HEREBY RESOLVED by the Mayor and Common Council of the City of Greenfield that the claim made by SUSAN COYLE, in the amount of \$795.91, for damage done to her vehicle when traveling on South 49th Street between West Coldspring Road and West Bottsford Avenue, is hereby disallowed. The City Clerk is hereby directed to forward a copy of this disallowance to claimant and claimant is hereby advised that legal action to collect on this claim be commenced within six (6) months of the date of disallowance or be barred.

ADOPTED October 16, 2001

Donna M. Rynders
Donna M. Rynders, City Clerk

APPROVED October 17, 2001

Timothy T. Seider
Timothy T. Seider, Mayor