

LAW OFFICES OF  
**MICHAEL A. I. WHITCOMB**

633 W. Wisconsin Avenue, Suite 510  
Milwaukee, Wisconsin 53203-1918

CITY OF MILWAUKEE  
RECEIVED

Telephone 414-277-8384  
Facsimile 414-277-8002

'04 FEB 17 PM 3:52

OFFICE OF  
CITY ATTORNEY

February 16, 2004

Mr. Ronald D. Leonhardt  
Clerk of the City of Milwaukee  
Room 205, City Hall  
200 East Wells Street  
Milwaukee, WI 53202

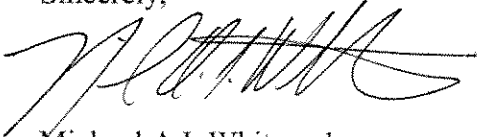
CITY OF MILWAUKEE  
04 FEB 16 PM 3:33  
RONALD D. LEONHARDT  
CITY CLERK

Re: Clear Channel Outdoor  
Notice of Injury and Claim for Damages

Dear Mr. Leonhardt:

Please be informed that this office represents Clear Channel Outdoor. Enclosed herewith and served upon you please find a Notice of Injury and Claim for Damages. Kindly notify this office of any hearing regarding the claim by the Common Council of the City of Milwaukee, or any committee thereof.

Sincerely,



Michael A.I. Whitcomb

enc.

c: Clear Channel Outdoor w/enc.

## NOTICE OF INJURY AND CLAIM FOR DAMAGES

TO: Clerk of the City of Milwaukee  
Room 205, City Hall  
200 E. Wells St.  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
04 FEB 16 PM 3:33  
RONALD D. LUNHARDT  
CITY CLERK

PLEASE TAKE NOTICE:

### Notice of Injury

1. Clear Channel Outdoor is a corporation with its principle place of business located at N11 W24600 Silvernail Road, Pewaukee, Wisconsin 53072.
2. Clear Channel was injured by the demolition caused by the City of Milwaukee of a building located at 2234 West Center Street, Milwaukee, Wisconsin (hereinafter "Property"), upon which was placed a wall-mounted poster panel owned by Clear Channel Outdoor.
3. On information and belief, on or about July 30, 2001, the City of Milwaukee acquired the Property for non-payment of real estate taxes.
4. On or about March 1, 2002, Clear Channel Outdoor paid rent to the City of Milwaukee for its poster panel located on the Property, and the City of Milwaukee accepted the rent payment.
5. On or about January 2003, the City of Milwaukee caused the Property to be demolished.
6. At the time the Property was demolished, Clear Channel Outdoor had paid advertising on its poster panel.

7. Clear Channel did not receive any notice that the Property would be demolished, so as to permit Clear Channel Outdoor to timely remove its poster panel from the Property.

8. On May 2, 2003, Clear Channel Outdoor requested reimbursement for the loss of its poster panel on the Property.

9. On February 3, 2004, the City of Milwaukee denied the request by Clear Channel Outdoor.

Notice of Claim for Damages

8. Based upon the foregoing notice of injury, Clear Channel Outdoor sustained damages in the amount of \$2,337.00 for the loss of its poster panel on the Property calculated pursuant to the Moving Cost Agreement for the Relocation of Outdoor Advertising Signs between the Outdoor Advertising Association of Wisconsin and the Wisconsin Department of Transportation, a copy of the calculation is attached hereto and incorporated herein by this reference.

Dated at Milwaukee, Wisconsin this 16th day of February 2004.

Michael A.I. Whitcomb, S.C.

By:



Michael A.I. Whitcomb  
Attorney for Clear Channel Outdoor  
State Bar Number: 1016561

## OUTDOOR ADVERTISING SURVEY

DT1676 99

Wisconsin Department of Transportation

Project ID	Termini	Highway	County
Parcel Number	Inventory Number and Year	Age of Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Permitted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Conforming
310-0434-0003	#4141 - 1981	22 yr(s) - <input checked="" type="checkbox"/> known <input type="checkbox"/> est.	
Sign Owner	Address	Advertiser	
CLEAR CHANNEL OUTDOOR	111 W 24600 SILVERNAIL RD	POPEYES CHICKEN	
Owner Representative	Area Code - Telephone Number	Inspection Date(s)	
DANIEL POMEROY - REAL ESTATE MGR	(262) 506-9000		
DOT Representative	Address	(Area Code) Telephone Number	
Site Owner	Address	(Area Code) Telephone Number	
CITY OF MILWAUKEE	809 N. BROADWAY		
REDEVELOPMENT AUTHORITY	MILWAUKEE, WI 53201	(414) 286-5900	

FACE "A"		FACE "B"	
DESCRIPTION (TYPE) OF SIGN	CONFIGURATION	DESCRIPTION (TYPE) OF SIGN	CONFIGURATION
<input type="checkbox"/> Poster Panel	<input checked="" type="checkbox"/> Single Face	<input type="checkbox"/> Poster Panel	<input type="checkbox"/> Single Face
<input checked="" type="checkbox"/> Junior Poster Panel	<input type="checkbox"/> Double Face	<input type="checkbox"/> Junior Poster Panel	<input type="checkbox"/> Double Face
<input type="checkbox"/> Painted Bulletin	<input type="checkbox"/> Back to Back	<input type="checkbox"/> Painted Bulletin	<input type="checkbox"/> Back to Back
<input type="checkbox"/> Professional	<input checked="" type="checkbox"/> Wall Mount	<input type="checkbox"/> Professional	<input type="checkbox"/> Wall Mount
<input type="checkbox"/> Mass Produced	<input type="checkbox"/> Roof Mount	<input type="checkbox"/> Mass Produced	<input type="checkbox"/> Roof Mount
<input type="checkbox"/> Non-Professional	<input type="checkbox"/> Side by Side	<input type="checkbox"/> Non-Professional	<input type="checkbox"/> Side by Side
<input type="checkbox"/> Signs Painted on Structures	<input type="checkbox"/> V-Type	<input type="checkbox"/> Signs Painted on Structures	<input type="checkbox"/> V-Type
<input type="checkbox"/> Other - Explain	<input type="checkbox"/> Double Deck	<input type="checkbox"/> Other - Explain	<input type="checkbox"/> Double Deck
	<input type="checkbox"/> Other - Explain		<input type="checkbox"/> Other - Explain

## DIMENSIONS: FACE "A"

Overall Size: Height 6' Width 12'  
 Sign Face: Height 5' Width 11'  
 Total Area of Sign Face: 55 sq. ft.  
 Height Above Ground Level (HAGL) 5'  
 (measured to bottom of sign)  
 Height Above Road Grade (HARG) 5'  
 (measured to bottom of sign)

## DIMENSIONS: FACE "B"

Overall Size: Height Width  
 Sign Face: Height Width  
 Total Area of Sign Face: sq. ft.  
 Height Above Ground Level (HAGL)  
 (measured to bottom of sign)  
 Height Above Road Grade (HARG)  
 (measured to bottom of sign)

## COMPONENTS

<b>UPRIGHTS</b> <b>Steel</b> <input type="checkbox"/> A-Frame <input type="checkbox"/> I or H Beam <input type="checkbox"/> Fence Post <input type="checkbox"/> Pipe <input type="checkbox"/> Other - Explain <b>Wood</b> <input type="checkbox"/> A-Frame <input type="checkbox"/> Dimensional <input type="checkbox"/> Round Posts <input type="checkbox"/> Posts w/back Bracing <input type="checkbox"/> Other - Explain	<b>MOLDING</b> <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Fiberglass <input type="checkbox"/> Wood <input type="checkbox"/> None - Explain Lineal Feet <b>APRON</b> <input type="checkbox"/> Wood <input type="checkbox"/> Metal <input type="checkbox"/> None Lineal Feet	<b>FACE</b> <input checked="" type="checkbox"/> Plywood <input type="checkbox"/> Duraply <input type="checkbox"/> Steel <input type="checkbox"/> Other - Explain <input type="checkbox"/> None - Explain <b>PLATFORM</b> <input type="checkbox"/> Wood <input type="checkbox"/> Steel <input type="checkbox"/> None Lineal Feet	<b>STRINGERS</b> <input checked="" type="checkbox"/> Wood <input type="checkbox"/> Metal <b>POSTING RAIL</b> <input type="checkbox"/> Wood <input type="checkbox"/> Steel <input type="checkbox"/> None Lineal Feet
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List any Salvageable Items None - demolished

Estimated Salvage Value \$

# ILLUMINATION

Number of Fixtures

Type

- ☐ Fluorescent  
☐ Quartz  
☐ Metal Halide  
☐ Other  
☒ None

List any Salvageable Items

# SPECIAL ADDITIONS TO ART AND DISPLAY

- ☐ Pictorial Sq. Ft.  
☐ Art & Display Sq. Ft.  
☐ Cutouts Sq. Ft.  
☐ Embellishments Sq. Ft.  
☐ Reflectorization Sq. Ft.  
☐ Other - Explain  
☒ None

Estimated Salvage Value \$

## SIGN CONSTRUCTION QUALITY

### STRUCTURE

- ☐ Excellent  
☒ Good  
☐ Fair  
☐ Poor  
☐ Very Poor

(See Sec. 4.11 for description.)

### PANELS

- ☐ Excellent  
☒ Good  
☐ Fair  
☐ Poor  
☐ Very Poor

## ESTIMATED DEPRECIATION (Physical and functional)

### STRUCTURE

- ☐ 0%  
☐ 20%  
☐ 40%  
☐ 60%  
☐ 80%

### PANELS

- ☐  
☐  
☐  
☐  
☐

Brief description of observations

## SIGN SITE ANALYSIS

### SITE ZONING

- ☐ Agriculture  
☐ Recreational  
☒ Commercial or Business  
☐ Industrial  
☐ Residential  
☐ Unzoned

### LAND LEASE OR RENTAL DATE

- ☒ Written  
☐ Recorded  
☐ Unrecorded  
☐ None  
 No. of Years  
 Years Remaining - 7

### ADJACENT LAND ZONING

- ☐ Agriculture  
☐ Recreational  
☐ Commercial or Business  
☒ Residential  
☐ Industrial  
☐ Unzoned

### VISIBILITY TO TARGETED TRAFFIC

- ☐ Excellent  
☒ Good  
☐ Fair  
☐ Poor

Dir. Distance

Dir. Distance

Addendum Material

No. of Sign(s) /  
 No. of Face(s) /  
 Beginning

at \$ per

Ending

at \$ per

Renewal - in 2000

at \$75 per YEAR

Other (Explain)

### COPY STATUS

- ☒ Sold  
☐ Unsold  
☐ Face blank

## NOTES:

1. Photographs. Attach on a separate sheet of paper (properly labeled with applicable identification data) a photograph showing the sign as is at time of evaluation. There shall be one photograph of each sign face (frontal shot just filling view finder) and one photograph showing the structure (rear).
2. Advertising contract. Attach a copy of the applicable contract if available.
3. Land Lease. Attach a copy of the applicable lease if available.
4. Attach copy of original inventory if available.
5. Copies of all data, including this form, to sign owner/DOT.

# PAYMENT SCHEDULE SUMMARY WORKSHEET

Wisconsin Department of Transportation  
DT1677 6/2002

See Part 2 of the "Moving Cost Agreement for the Relocation of Outdoor Advertising Signs", effective 9/26/96.


Note Parenthetical References to Parts 1-4 of This Agreement.

1. <u>Scheduled Cost.</u>	Sign size: <u>72</u>	"Build New" Cost (2.6)	\$	<u>2,524</u>
2. <u>Adjustments to Scheduled Cost to determine in-place value (if applicable)</u>				
<u>Structure</u>	If Back to Back: Add 30% of Build New Cost (4.3)		+	
	If Side by Side, V-type, Double Deck: Add cost (4.3)		+	
<u>HAGL</u>	If greater than 15', add cost per foot (4.2, 2.6)		+	
	If less than 15', Subtract cost per foot (4.2, 2.6) <u>10' x \$35</u>		-	<u>350</u>
<u>Electrical:</u>	Enter Schedule 2.6 amount if applicable (4.4)		+	
	If Back to Back, Side by Side, V-type, Double Deck:			
	Add 80% of schedule amount for additional Face/Sign (4.4)		+	
<u>Platform:</u>	Add per lineal foot (4.6)			
	24"width - \$25/l.ft.; 36"width - \$42/l.ft.; 48"width - \$55/l.ft.		+	
<u>Apron:</u>	Add \$12.00 per lineal foot (4.6)		+	
Total Costs to Build New:			\$	<u>2,174</u>
	Less: % Depreciation, (4.11) (Enter "0" if n/a)		-	<u>0</u>
IN PLACE VALUE OF SIGN:			\$	<u>2,174</u>

3. <u>Additional Adjustments - if Applicable</u>				
<u>HARG</u> (4.2)			+	
<u>Utility Costs</u> (4.5) Must submit documentation			+	
<u>Copy/Face Credit</u> (4.7) Deduct \$2.00/sq. ft. no copy; estimates, no face			-	
<u>Other Reimbursable Relocation Expenses</u> (4.8)			+	
<u>Salvage Credit</u> (4.9)			-	
<u>Revenue Adjustment for Temporary Removal of Sign</u> (4.10)			+	
<u>Add: Take down cost IF Owner removes sign</u> (1.4, 2.6)			+	<u>N/A</u>
<u>Hold Over Rent</u> (1.4(b)(3), 4.14). (\$ /mo. for mos.)			-	
<u>Extenuating Circumstances</u> (ONLY UNDER PROVISIONS OF PART 3)			+	

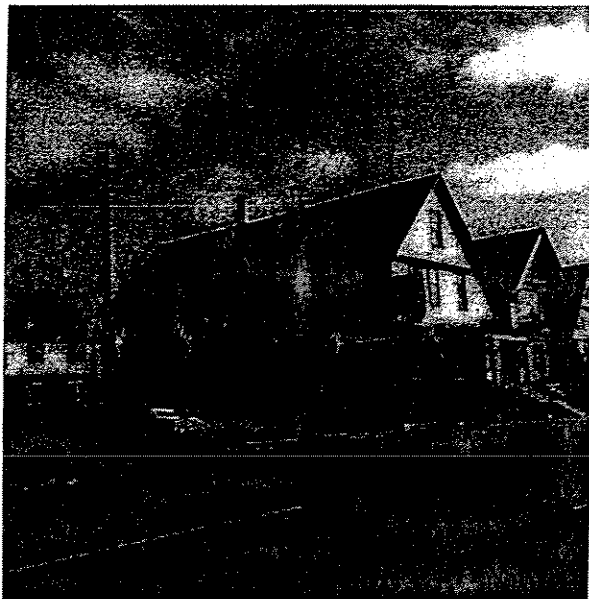
4. <u>Reimbursement</u>	\$	<u>2,174</u>
<u>Add: 7.5% (per Second Amendment dated 6/20/02)</u>	\$	<u>163</u>
<b>TOTAL ELIGIBLE REIMBURSEMENT</b>	\$	<u>2,337</u>

The reimbursement stated on this worksheet has been reviewed and agreed to by both parties. The sign owner or representative, by signing this document, waives any right to future claims for damage or loss involving this sign.

 5/2/03  
(Owner or Representative) (Date)

\_\_\_\_\_  
(DOT Representative) (District) (Date)

Note: This form must be signed and submitted along with form DT1676, Outdoor Advertising Survey; DT1678, Sign Removal Agreement 2.5(b); DT1527, Application and Release Relocation Claim; and a photo in order to claim reimbursement. ATTACH ALL ADJUSTMENT CALCULATIONS if Part 3 of the "Moving Cost Agreement for the Relocation of Outdoor Advertising Signs" is used or otherwise required.



7