

CITY OF MILWAUKEE

2010 NOV -1 AM 10:00

October 28, 2010

RONALD D. LEONHARDT
CITY CLERK


Kelly Kincaid
4931 N. 66th Street
Milwaukee, WI 53218

C.I. File NO.:10-S-322

To Whom It May Concern:

This is a letter to appeal the decision made on October 18, 2010 by Grant F. Langley and Robert Overholt regarding city tree that fell and hit my vehicle on September 7, 2010. Although I submitted to two different estimates for the damaged cause to my vehicle, somehow because the car was not there when the crew arrived it never occurred. The winds were extremely high and I moved my vehicle to prevent in further damage! There should be two records of calls from my residence; the first call was about the tree branch falling. Then second about an hour later from myself request information about filling a claim. I spoke to the person (male, black) who removed the tree out of street/sidewalk and I helped him. They were about four people at my residence from the Forestry Section so why was just one person interviewed? The person I told that the tree branch hit my vehicle directed me to call the city back and file a claim, and that is what I did. The city claims that no there were potential hazardous conditions request made in five years. However, the same branch that they cut on September 7, 2010 had another branch which was recently cut by the city.

Sincerely Your,


Kelly Kincaid

OFFICE OF
CITY ATTORNEY

2010 NOV -1 PM 3:20

CITY OF MILWAUKEE
RECEIVED

September 19, 2010

CITY OF MILWAUKEE
RECEIVED
2010 SEP 22 AM 11:04

OFFICE OF
CITY ATTORNEY

City Clerk with the City of Milwaukee

My name is Kelly Kincaid and on September 7, 2010 during a usual windstorm in city of Milwaukee several branches of a city tree fell. The branches fell on my vehicle and onto my front lawn. I was not able to move most of the branches because of their weight but I was able to drive my vehicle from under the tree. I was in my backyard and never heard the crash but I walked up to the front of my yard to discover the damages. This occurred about 3pm on that afternoon. I immediately contacted the city that then sent the Forest Department to my residence at 4931 N. 66th Street within the next hour.

I then requested the instructions for filing a claim and how to contact the claims Department regarding the damages done to my vehicle. I have enclosed 2 itemized estimates for the repairs needed to restore my vehicle. The estimates do not include the cost to obtain a rent a car. During business hours I can be reached on my cell phone at (414) 628-6607 or at my office at (414) 229-0562. My home number is (414) 536-1099 and messages can be left at that number. I look forward to hearing from the claims Department as soon as possible.

Sincerely,



Kelly Kincaid



OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed at the bottom of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.
3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk
ATTN: CLAIMS
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

893.80 Claims against governmental bodies or officers, agents or employees; notice of injury, limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

AMATO COLLISION CENTER
5200 N PORT WASHINGTON ROAD
GLENDALE, WISCONSIN 53217
OFFICE: 414-964-4400 FAX: 414-964-1433

*** PRELIMINARY ESTIMATE ***

09/17/2010 01:07 PM

Owner

Owner: KELLY KINCAID
Address: 4931 N 66TH
City State Zip: Milwaukee, WI 53218

Work/Day:
FAX:

Inspection

Inspection Date: 09/17/2010 01:07 PM

Inspection Type:

Appraiser Name: Steve Italiano

Appraiser License #:

Repairer

Repairer: AMATO COLLISION CENTER
EAST
Address: 5200 N. PORT WASHINGTON RD.
City State Zip: GLENDALE, WI 53217

Contact: STEVE ITALIANO
Work/Day: (414)964-4400
FAX: (414)964-1433

Vehicle

2007 Nissan Murano SL 4 DR Wagon
6cyl Gasoline 3.5
Continuously Variable Tr

Lic.Plates: 757RHV
Lic Expire:
Prod Date:
Veh Insp#:
Condition:
Ext. Color: BLUE
Ext. Refinish: Two-Stage

Lic State: WI
VIN: JN8AZ08W97W621719
Mileage: 42,372
Mileage Type: Actual
Code: Z7304B
Int. Color:
Int. Refinish: Two-Stage

Options

4-Wheel Drive	AM/FM CD Player	Air Conditioning
Alarm System	Aluminum/Alloy Wheels	Anti-lock Brakes
Automatic Dimming Mirror	Bucket Seats	Center Console
Cruise Control	Dual Airbags	Dual Zone Auto A/C
Fog Lights	Garage Door Opener	Head Airbags
Intermittent Wipers	Keyless Entry System	Leather Steering Wheel
Lighted Entry System	Power Brakes	Power Door Locks
Power Drivers Seat	Power Liftgate	Power Mirrors
Power Steering	Power Windows	Privacy Glass
Rear View Camera	Rear Window Defroster	Rear Window Wiper/Washer
Rem Trunk-L/Gate Release	Side Airbags	Strg Wheel Radio Control
Tachometer	Theft Deterrent System	Tilt Steering Wheel
Tinted Glass	Trip Computer	Velour/Cloth Seats

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
1	BR	166	13	Panel,Bodyside Otr Up RT	Blend Refinish				1.4	RF
2	I	208		Door Shell,Front RT	Repair				0.5*	SM
3	L	208		Door Shell,Front RT	Refinish				2.6	RF
4	E	272		Mldg,Front Door Belt RT	80820CA000	\$109.22			0.3	SM

5	RI	228	Handle,Front Door Otr RT	R & I Assembly		1.7	SM
6	E	335	Mldg,Rear Door Belt RT	82820CA000	\$105.95	0.2	SM
7	E	78	Mldg,Rear Door Lower R/R	82870CC20A	\$78.32	0.2	SM
8	RI	306	Handle,RR Door Outer RT	R & I Assembly		1.5	SM
9	RI	72	Mldg,Roof Drip RT	R & I Assembly		0.3	SM
10	E	503	Cap,Luggage Rack RT	73870CA00B	\$47.72		SM
11	I	390	Panel,Quarter RT	Repair		1.0*	SM
12	L	390	Panel,Quarter RT	Refinish		3.0	RF
13	E	431	Glass,Quarter Tinted RT	83300CA000	\$217.17	1.2	SM
14	EC	468	Sealant Kit,Qtr Glass RT	Replace Economy	\$25.00*	INC	SM
15	I	479	Shell,Tailgate	Repair		1.0*	SM
16	L	479	Shell,Tailgate	Refinish		2.6	RF
17	E	380	N/Plate,Tailgate	90894CA000	\$63.20	0.2	SM
18	E	540	N/Plate,Tailgate	90896CA000	\$54.80	0.2	SM
19	E	535	Emblem,Tailgate	90890CA000	\$38.60	0.2	SM
20	E	455	Motor,Tailgate Wiper	28710CB00A	\$371.59	0.7	SM
21	RI	566	Rear Bumper Cover R&I	R & I Assembly		1.3	SM
22	I	566	Cover,Rear Bumper	Repair		1.0*	SM
23	L	566	Cover,Rear Bumper	Refinish		3.1	RF
24	E	1556	Retainer,RR Step Bmpr LT	85042CC20A	\$4.03	INC	SM
25	E	1557	Retainer,RR Step Bmpr RT	85042CC20A	\$4.03	INC	SM
26	E	1558	Retainer,RR Step Bmpr LT	85042CC20A	\$4.03	INC	SM
27	E	1559	Retainer,RR Step Bmpr RT	85042CC20A	\$4.03	INC	SM
28	E	1560	Retainer,RR Step Bmpr	85042CC20A	\$4.03	INC	SM
29	E	581	Pad,Rear Bumper Step	85066CC21B	\$137.10	0.3	SM
30	EC	M03	Flex Additive	Replace Economy	\$5.00*		RF
31	EC	M14	Corrosion Protection	Replace Economy	\$10.00*	0.3*	SM*
32	SB	M60	Hazardous Waste Removal	Sublet Repair	\$5.00*		SM
32 Items							

MC Message

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Gross Parts	\$1,243.82	
Other Parts	\$40.00	
Paint Materials	\$431.80	
Parts & Material Total		\$1,715.62
Tax on Parts & Material	@ 5.600%	\$96.07

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$54.00	8.6	3.5	12.1	\$653.40
Mech/Elec (ME)	\$98.00				
Frame (FR)	\$54.00				
Refinish (RF)	\$54.00	12.7		12.7	\$685.80
Paint Materials	\$34.00				

Labor Total		24.8 Hours	\$1,339.20
Tax on Labor	@ 5.600%		\$75.00
Sublet Repairs			\$5.00
Tax on Sublet	@ 5.600%		\$0.28
Gross Total			\$3,231.17
Net Total			\$3,231.17

Alternate Parts Y/00/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53217 Audatex Host

Audatex Estimating 6.0.353 ES 09/17/2010 01:16 PM REL 6.0.353 DT 08/01/2010 DB 09/15/2010
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2.7 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

Op Codes

* = User-Entered Value
EC = Replace Economy
ET = Partial Replace Labor
TE = Partial Replace Price
L = Refinish
TT = Two-Tone
BR = Blend Refinish
CG = Chipguard
AA = Appearance Allowance

E = Replace OEM
OE = Replace PXN OE Srpls
EP = Replace PXN
PM = Replace PXN Reman/Rebld
PC = Replace PXN Reconditioned
SB = Sublet Repair
I = Repair
RI = R & I Assembly
RP = Related Prior Damage

NG = Replace NAGS
UE = Replace OE Surplus
EU = Replace Recycled
UM = Replace Reman/Rebuilt
UC = Replace Reconditioned
N = Additional Labor
IT = Partial Repair
P = Check



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PRESTIGE AUTO WORKS AND FINISHES INC
6301 W DOUGLAS AVENUE
MILWAUKEE, WI. 53218
PHONE 414-466-2111 FAX 414-466-9992
FEDERAL ID# 39-1661-727

CD LOG NO 25191-1 DATE 09/15/10

SHOP: PRESTIGE AUTO WORKS INSP DATE: 09/15/10
ADDRESS: 6301 W DOUGLAS AVE CONTACT: KEITH
CITY STATE: MILWAUKEE, WI PHONE 1: (414) 466-2111
ZIP: 53218- FAX: (414) 466-9992

OWNER: KINCAID, KELLY HOME PHONE: (414) 536-1299
ADDRESS: 4931 N 66TH ST WORK PHONE: (414) 229-0562
CITY STATE: MILWAUKEE, WI FAX: (414) 229-0725
ZIP: 53218

POINT OF IMPACT: 11

LIC#: 757RHV STATE: WI VIN: JN8AZ08W97W621719
BODY COLOR: BLUE MILEAGE: 42,372
CONDITION: ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

2007 NISSAN MURANO SE 4DOOR WAGON 6CYL GASOLINE 3.5
CODE: Z7304C/E OPTNS B/24BADNUOY

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	BUMPER COVER MOUNTED FOG LAMPS
XENON HEADLAMPS	BACKUP CAMERA
AUTO TRNS W/MAN SELECT SWITCH	ALARM SYSTEM
STRG WHEEL MTD RADIO CONTROLS	

OP	GDE	MC	DESCRIPTION	MFG.	PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	---	-----	-----	---	---	-----	---
BR0166	13	PANEL, BODYSIDE	OTR RT BLEND REFINISH						1.4	4
			0.5 BLEND							
			0.6 TWO STAGE SETUP							
			0.3 TWO STAGE							
I 0208		DOOR SHELL, FRONT	RT REPAIR						1.0	*1
L 0208		DOOR SHELL, FRONT	RT REFINISH						2.6	4
			2.2 SURFACE							
			0.4 TWO STAGE							

2007 NISSAN MURANO SE 4DOOR WAGON
CD LOG NO 25191-1

RI0272	MLDG,FRONT DOOR BEL RT	R&I ASSEMBLY		0.3	1
RI0280	MLDG,FRONT DOOR LOWR/R	R&I ASSEMBLY		0.2	1
RI0230	MIRROR,OUTER R/C RT	R&I ASSEMBLY		0.3	1
RI0228	HANDLE,FRONT DOOR O RT	R&I ASSEMBLY		1.7	1
I 0288	DOOR SHELL,REAR RT	REPAIR		1.0*	1
L 0288	DOOR SHELL,REAR RT	REFINISH		2.2	4
		1.8 SURFACE			
		0.4 TWO STAGE			
RI0335	MLDG,REAR DOOR BELT RT	R&I ASSEMBLY		0.2	1
RI0282	MLDG,REAR DOOR LOWER/R	R&I ASSEMBLY		0.2	1
E 1405	TAPE,REAR DOOR RT	82892CA000	6.03	0.2	1
RI0306	HANDLE,RR DOOR OUTE RT	R&I ASSEMBLY		1.5	1
I 0341	PANEL,ROOF	REPAIR		1.0*	1
	buff				
RI0072	MLDG,ROOF DRIP RT	R&I ASSEMBLY		0.3	1
I 0494	CAP,LUGGAGE RACK RT	REPAIR		0.5*	1
E 0502	CAP,LUGGAGE RACK LT	73871CC20A	57.92		1
I 0390	PANEL,QUARTER RT	REPAIR		1.0*	1
L 0390	PANEL,QUARTER RT	REFINISH		2.8	4
		2.3 SURFACE			
		0.5 TWO STAGE			
E 0431	GLASS,QUARTER TINTE RT	83300CA000	217.17	1.8*	1
EC0468	SEALANT KIT,QTR GLA RT	ECONOMY PART	25.00*	INC	1
I 0479	SHELL,TAILGATE	REPAIR		1.0*	1
L 0479	SHELL,TAILGATE	REFINISH		2.5	4
		2.2 SURFACE			
		0.3 TWO STAGE			
E 0380	N/PLATE,TAILGATE	90894CA000	63.20	0.2	1
E 0540	N/PLATE,TAILGATE	90896CA000	54.80	0.2	1
E 0535	EMBLEM,TAILGATE	90890CA000	38.60	0.2	1
I 0544	ARM,TAILGATE WIPER	REPAIR		0.5*	1
RI0544	ARM,TAILGATE WIPER	R&I ASSEMBLY		0.1	1
RI1516	NOZZLE,T/G WASHER	R&I ASSEMBLY		0.1	1
I 0534	TAILLAMP ASSEMBLY RT	REPAIR		0.5*	1
	buff				
RI0534	TAILLAMP ASSEMBLY RT	R&I ASSEMBLY		0.3	1
RI0605	LAMP,HIGH MOUNTED STOP	R&I ASSEMBLY		0.7	1
E 0566 01	COVER,REAR BUMPER	R&I ASSEMBLY	*	1.2	1
I 0566	COVER,REAR BUMPER	REPAIR		1.0*	1
L 0566	COVER,REAR BUMPER	REFINISH		3.1	4
		2.6 SURFACE			
		0.5 TWO STAGE			
RI0570	PAD,REAR BUMPER STEP	R&I ASSEMBLY		INC	1
L M03	FLEX ADDITIVE	REFINISH	12.50*		4
L M14	CORROSION PROTECTION	REFINISH		0.5*	4*
L M17	COVER CAR EXTERIOR	REFINISH		0.2*	4*
SBM60	HAZARD. WSTE. REM.	SUBLET REPAIR	4.00*		1*
EC	BUMPER RETAINERS	ECONOMY PART	12.50*		1*
L	MASK JAMS	REFINISH		0.3*	4*
L	ROPE GLASS	REFINISH		0.3*	4*
	tgt				

43 ITEMS

2007 NISSAN MURANO SE 4DOOR WAGON
CD LOG NO 25191-1

MC MESSAGE(S)
01 CALL DEALER FOR EXACT PART NUMBER / PRICE
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					437.72
OTHER PARTS					50.00
PAINT MATERIAL					556.50
PARTS & MATERIAL TOTAL					1,044.22
TAX ON PARTS & MATERIAL @				5.600%	58.48
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	54.00	9.7	7.5		928.80
2-MECH/ELEC	95.00				
3-FRAME	55.00				
4-REFINISH	54.00	15.9			858.60
5-PAINT MATERIAL	35.00				
LABOR TOTAL					1,787.40
TAX ON LABOR		@		5.600%	100.09
SUBLET REPAIRS					4.00
TAX ON SUBLET		@		5.600%	0.22
TOWING					
STORAGE					
GROSS TOTAL					2,994.41
NET TOTAL					2,994.41

SHOPLINK U2834 ES CD LOG 25191-1 DATE 09/15/10 05:20:26PM R6.37 CD 07/10
PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53218
HOST LOG
(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

3.0 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS
ESTIMATE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT
PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE.
WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE
MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE
MANUFACTURER OF YOUR MOTOR VEHICLE.
THIS ESTIMATE HAS BEEN PREPARED BASED ON A VISUAL INSPECTION. ACTUAL REPAIRS
MAY REQUIRE ADDITIONAL PARTS AND LABOR DUE TO HIDDEN DAMAGE. THEREFORE WE
CANNOT GUARANTEE A FINAL PRICE PRIOR TO COMPLETION NOR A FINAL COMPLETION
TIME. YOU WILL BE NOTIFIED OF ADDITIONAL COST. ESTIMATE VALID FOR 30 DAYS.
PARTS PRICES SUBJECT TO CHANGE WITHOUT NOTICE FROM MFG. YOU ARE RESPONSIBLE
FOR FULL PAYMENT UPON COMPLETION. STORAGE FEES ARE \$20/DAY.
NO PERSONAL CHECKS ACCEPTED. NON OEM PARTS ARE IDENTIFIED
AS "ECONOMY" OR "QUALITY REPLACEMENT PART".

2007 NISSAN MURANO SE 4DOOR WAGON
CD LOG NO 25191-1.

PAW NOT RESPONSIBLE FOR PERSONAL PROPERTY LOST OR DAMAGED DURING REPAIRS.
I HAVE READ, UNDERSTAND, AND RECEIVED A COPY OF THIS ESTIMATE AND AUTHORIZE
REPAIRS, INCLUDING SUBLET.

SIGNATURE _____ DATE _____