City clerk City hall 200 e wells st milwaukee wi 53202-3570

I wish to appeal the denial of my claim in C.I. file no. 03-s. 465

(or 5)

MICHAEL CESAREC 7064 NO 40TH ST milwaukee wi. 53209

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

On November 7th, 2003 at approximately 2:40pm I was travelling north on 51st Street and was forced to go one block west at St. Joseph's Hospital because of construction on 51st St. I turned north on 52nd Street I encountered a pot hole which blew my right front tire. When I found a parking spot I called AAA. They came and changed the tire. On November 8th I drove to Corky's Tire in Cedarburg where I had purchased the original set of tires (copy of invoice attached). I was told the tire was not reparable because the side wall was blown out. A new tire was ordered which I has installed on November 10th at a cost of \$108.76 (copy of invoice attached). The original tire is in my possession if you would like to view the tire.

On November 10th I called my alderman, Don Richards, to report the incident. On November 11th I returned to the area to take pictures of the pot hole and found that the city had filled all the holes on that block on the 10th. Enclosed are pictures of the hub caps standing next to the St. Joseph parking structure which had been picked up at the site of the hole which caused my flat tire. Neighbors told me that they had been complaining about the holes in the street for some time and would be glad to appear as witnesses if I need them to verify the condition of the street.

This letter is my claim for the amount of \$108.76.

Michael E. Cesarec

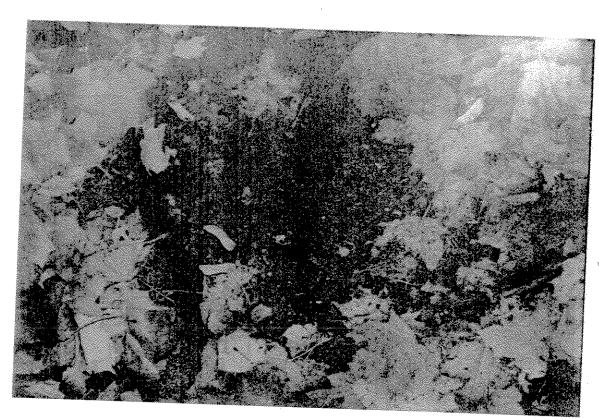
7064 N. 40th St.

Milwaukee, WI 53209

Phone: 414-352-2365

DAYE O DROER HOME PHONE RESTIMATED PRICE \$ COIL CHANGE SERVICE BATTERY SERVICE BATTERY GATE OIL CHANGE OIL CHANGE SERVICE BATTERY SERVICE CHANGE OIL CHANGE OIL CHANGE SERVICE	Inserely authorize the work to be done along with necessary materials. You and your employees may operate vehicle for purposes of testing, inspection, or delivery at my risk. An express mechanic's lien is acknowledged on vehicle or secure the amount of periodes of testing. SIGNED TERMS: STRICTLY CASH UNLESS AFRANGENETS MADE YOU ARE ENTITUED TO A PRICE ESTIMATE FOR THE REPARS YOU HAVE AUTHORIZED. THE REPARS SOUTH RESTIMATE STRICTLY CASH UNLESS AFRANGENETS MADE 1. I request an estimate in writing before you begin repairs. 2. Please proceed with repairs, but cash me before continuing it the price will exceed \$ Whose Wisk Ame Code, administered by the Bureau of Cosumer Preceion. 1. I request an estimate in writing before you begin repairs. 2. Please proceed with repairs, but cash me before continuing it the price will exceed \$ Whose Wisk Ame Code, administered by the Bureau of Cosumer Preceion. 1. I request an estimate in writing the price will exceed \$ Whose Wisk Ame Code, administered by the Bureau of Cosumer Preceion. 1. I request an estimate in writing before continuing it the price will exceed \$ Whose Wisk Ame Code, administered by the Bureau of Cosumer Preceion. 1. I request an estimate in writing the repairs before continuing and the repairs will be made by the Bureau of Cosumer Preceion. 2. Please proceed with repairs you are entitled to? 1. Yes 1. I request a setting. 1. I request an estimate in writing before continuing a writing exceed \$ 1. I request an estimate in writing before continuing a writing exceed \$ 2. Please proceed with repairs you are entitled to? 1. Yes 2. Please proceed with repairs will be made by the Bureau writing exceed \$ 3. I do not want the replaced. 1. Whose Strict is a subject to the price will exceed \$ 1. I request a subject to the repairs will be repaired by the Bureau writing and the price will exceed \$ 2. Please proceed with repairs will be repaired by the price will exceed \$ 3. I would be repaired by the price will exceed \$ 3. I would be repaired by	ONY MENUNCESTRATE & AUTO, INC. WE NASH WASHINGTON AVE. CEDARBURG, WI 55012 PRIORE 377-2380 TAME AUTO, INC. WE NASH WASHINGTON AVE. CEDARBURG, WI 55012 PRIORE 377-2380 AUTO-SIATE TO THE SAME AUTO-SIATE TO THE SAME
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TOTAL MATERIAL I hereby authorize the work to be done along with necessary materials. You and your employees may operate vehicle for purpose of testing, inspection, or delivery at my tisk. An express mechanic's lien is acknowledged on vehicle to secure the amount of repairs the fellow to be held responsible for toss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause befond your control. SIGNED TERMIS: STRICTLY CASH UNLESS ARRANGEMENTS MADE YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR SIGNATURE WILL NOICATE YOUR ESTIMATE SELECTION. 1. I request an estimate in writing before you begin repairs. 2. Please proceed with repairs, but call me before continuing if the price will exceed \$ 3. I do not want an estimate. Do you want the replaced parts you are entitled to? Payment will be made by: Cash Payment will be made by: Cash Cash	ANTERIAL USED WARRAWITH AND AND AND AND AND AND AND AN
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CITY OF MILWAUKEE

GRANT F. LANGLEY City Attorney

RUDOLPH M. KONRAD PATRICK B. McDONNELL **LINDA ULISS BURKE** Deputy City Attorneys

West Jan 21, 2004 Cholah



OFFICE OF CITY ATTORNEY

800 CITY HALL 200 EAST WELLS STREET MILWAUKEE, WISCONSIN 53202-3551 TELEPHONE (414) 286-2601 TDD (414) 286-2025 FAX (414) 286-8550

January 5, 2004

52-2365 Michael E. Cesarec 7064 No. 40th St. Milwaukee, WI 53209

RE: C.I. File No: 03-S-465

Dear Mr. Cesarec:

This office is in receipt of your claim in the amount of \$108.76, relating to damage sustained to your vehicle that you noticed on November 7, 2003 when you were driving on North 52 de St. -West of St. Joseph's Hospital.

2002 to November 30, 2003 indicate that asphalt patching was conducted in this area as recently as November 13, 2003. Their records also indicate that between November 7, 2002 and November 30, 2003, they received three complaints for this area. On March 28, 2003 they received a call into their Call Center about a low water cut at 3069 North 52nd Street. This was patched with asphalt on April 2, 2003. On October 31, 2003 they received a call about potholes in the roadway along North 52nd Street between North Locust Street and North Burleigh Street. This area was patched on November 3, 2003. On November 7, 2003 at 9:14 a.m. they received a call about potholes in the roadway of the 3000 block of North 52nd Street. This area was patched on November 10, 2003. Upon notification of a hazard the division will send a repair crew to correct it usually within 24 hours. Prior to this complaint, the City had no notice of this hazard and because of this lack of notice, the City would not be liable. Accordingly, we are denying 9. 3023 N. 52 Helled 11-10-03 your claim.

BEVERLY A. TEMPLE THOMAS O. GARTNER BRUCE D. SCHRIMPF ROXANE L. CRAWFORD SUSAN D. BICKERT HAZEL MOSLEY HARRY A. STEIN 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** MELANIE H. SWANK JAY A. UNORA DONALD L. SCHRIEFER EDWARD M. EHRLICH LEONARD A. TOKUS MIRIAM R. HORWITZ MARYNELL REGAN G. O'SULLIVAN-CROWLEY DAWN M. BOLAND KATHRYN M. ZALEWSKI

Assistant City Attorneys

Our investigation reveals that the Infrastructure Services Division records from November 7,

Michael E. Cesarec January 5, 2004 Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT FLANGLEY

City Attorney

Steven M Carini

STEVEN M. CARINI Investigator Adjuster

SMC: msb

1029-2003-3866:76328

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