August 31, 2004

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Timothy J. Brohpy, Jr.
C.I. File No. 04-L-68

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Timothy J. Brophy, Jr., Post Office B ox 240037, Milwaukee, WI 53224 alleges on and between February 1 and February 15, 2004 the City razed his building located at 2008-A North 2nd Street. He claims damages in the amount of $100,000.00.

Our investigation reveals that the Department of Neighborhood Services records indicate that they issued a raze order on this property on April 18, 2002. The claimant appealed the raze order, but did not appear at the July 18, 2002 hearing of the Standards and Appeals Commission, resulting in a dismissal without prejudice. The Commission's Memorandum of Decision dated August 26, 2002 explains the owner's rights to appeal the order to Milwaukee County Circuit Court. No appeal was filed. The department entered into a Restoration Agreement with the claimant on November 6, 2002. The agreement required that the repairs be substantially completed by May 10, 2003. The department stopped work several times between January and November 2003 due to work being done contrary to code requirements. Permit #493997 was cancelled on March 18, 2003 for failure to meet the terms of the agreement. On August 22, 2003 permit #521402 was issued, amending the original agreement completion date to November 7, 2003. This permit was cancelled on December 11, 2003 for failure to complete work. On

December 18, 2003 a letter was sent to the claimant indicating that bids have been taken to raze the property and that the owners should remove any contents they wish to retain. At this time there was no communication back from the claimant. He did not seek to restrain the department's actions in Milwaukee County Circuit Court. The building was razed on February 26, 2004. The City followed its established razing procedures and as such, the City would not be liable. Accordingly, we recommend that this claim be denied

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
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