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May 11, 2009

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

Re: Resolution relating to the claim of Makbul Sajan
Through his attorney, Mark P. Murphy
C.I. File No. 09-L-30

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, Makbul Sajan, 18925 Cavendish Road, Brookfield, WI 53045 alleges through his attorney, Mark P. Murphy, 7430 Harwood Avenue, Suite 100, Wauwatosa, WI 53213 that on or about January 23-29, 2009 he sustained damages when the City removed three underground gasoline storage tanks from the claimant's property located at 5100 West Burleigh Street. He claims damages in the amount of \$900,000.00.

Our investigation reveals that on July 15, 2008 the Department of Neighborhood Services declared the property a public nuisance pursuant to Wisconsin Statute §66.0413 (2). The order was appealed to the Standards and Appeals Commission. It upheld it. The claimant's prior attorney obtained a restraining order and appealed to Circuit Court. The circuit court upheld the action of the Standards and Appeals Commission and the property was ordered razed. The matter was then appealed to the Court of Appeals.

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They dismissed the appeal. When legally permitted to do so, the City removed the tanks and had the property razed.

There is no evidence that the City acted improperly in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1053-2009-675:145829