



## Legislation Text

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ORIGINAL

### THE CHAIR

Resolution authorizing cancellation of claim for razing expenses against Jim Smith and settlement of the lawsuit entitled *Smith v. Williams, et al.*, Case No. 99-CV-9595. (City Attorney)

This resolution authorizes the cancellation of \$58,644.68 of total claim of \$124,987.00 in razing costs for the demolition of buildings and removal of debris on a lot owned by Jim Smith and located at 7240 West Douglas Avenue, as well as settlement of the lawsuit brought by Smith against the City and the demolition contractor.

Whereas, On June 3, 1998, the City of Milwaukee issued an order to James Smith to raze and remove certain buildings located at 7240 West Douglas Avenue; and

Whereas, Subsequently, the City entered into a contract with Larry Chinn Enterprises, Inc. in April, 1999 to undertake the aforementioned demolition and removal work; and

Whereas, Jim Smith subsequently instituted a lawsuit entitled *Jim Smith v. Tracy Williams, et al.*, Milwaukee County Circuit Court Case No. 99-CV-009595, finding among other things that the aforementioned demolition contractor, Larry Chinn Enterprises, had improperly performed the demolition and removal work as the subject of the aforementioned contract and the City of Milwaukee had violated Smith's civil rights in the course of its award of this contract and had failed to protect against the improper execution of the aforementioned demolition contract; and

Whereas, The total cost of the aforementioned demolition work undertaken by the contractor Larry Chinn Enterprises, Inc. having been \$124,987.00; and

Whereas, The City of Milwaukee, counsel for Mr. Smith and counsel for Larry Chinn Enterprises, Inc., and its insurer having agreed to settle the various claims in the aforementioned lawsuit, including the City's claim for demolition costs, and all counsel having agreed to settle the City's claim for demolition costs with payment of \$66,342.32; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City's claim against Jim Smith for the demolition costs at 7240 West Douglas Avenue in the amount of \$124,987.00 be and is hereby cancelled upon partial payment of \$66,342.32 by Western Heritage Insurance Company.

City Attorney  
JAS/enm  
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