

EAST

230 W. Wells Street; Suite 201
 Milwaukee, WI 53203
 Phone: (414) 755-3419
 Fax: (414) 434-4221

Atty. Elizabeth J. Brodek
 Atty. Kyle Edward Jesinski
 Atty. Melissa R. Longamore
 Atty. Amanda R. Rabe
 Atty. Thor Heidrek Templin

LAGMANN, INC.

a Not-for-Profit Law Firm

WEST

144 4th Ave, Suite 2
 Baraboo, WI 53913
 Phone: (608) 477-4670
 Toll-Free: (888) 543-4036

Atty. Barbara Jean McPherson
 Atty. Andrew I. Martinez
 Atty. Cole Daniel Ruby
 Atty. Cody W. Wagner
 Atty. Thomas J. Wirtz

Wednesday, June 20, 2012

Atty. Scott E. Post
 City Attorney for West Allis
 City Hall
 7525 W. Greenfield Avenue
 West Allis, Wisconsin 53214

RECEIVED

JUN 21 2012

WEST ALLIS
 CITY ATTORNEY

**Re: Ermenc Park Estates Residents Concerns Regarding One-Hour
 Parking Ordinance**

Dear Atty. Post,

I represent Eileen Jezo and Nancy Lynch in claims they are pursuing against the City of West Allis. I am writing to you because it has come to my attention that there had been a one-hour parking ordinance on the west side of S. 117th Street, which prohibited parking for more than one hour between the hours of 8am and 4pm. In your letter to Ms. Jezo and Ms. Lynch (among others) dated July 7, 2010, you stated there was no such ordinance on file and that because the sign had been erected illegally, the sign could also be taken down without notice.

After some investigation, however, Ms. Jezo has produced the authorizing ordinance, Ordinance No. 4092 passed September 18, 1973 and approved September 21, 1973. In addition, the 1995 ordinance your letter referenced, Ordinance No. 6162 prohibiting parking on the west side of S. 117th Street and S. Hayes Avenue, was passed on May 16, 1995 and approved on May 17, 1995. I have enclosed a copy of both ordinances for your reference.

The residents of Ermenc Park Estates want these one-hour parking restrictions reinstated because they do not want Nathan Hale High School students parking on the street in front of their houses. An overpopulation of cars in the neighborhood has contributed to road breakdown, premature repair, potential temporary suspension of mail delivery because mailboxes have been blocked, made the residents feel unsafe, and indirectly led to students cutting through their yards, littering on their yards, and

generally decreasing their quality of life in homes for which they have worked hard and in which they have lived for decades.

Given the existence and proper enactment of the 1973 and 1995 ordinances authorizing the same one-hour parking restrictions, it is clear that notice should have been given to the residents of Ermenc Park Estates before removing the one-hour parking signs. Although the lack of notice warrants a § 1983 claim against the City of West Allis, I would like to resolve this matter outside of court. I am writing to ask that the sign be erected again, with proper written notice given to those in the Ermenc Park Estates neighborhood and to students at Nathan Hale High School. If the City chooses not to take this action, I will draft an ordinance proposing the re-erection of the one-hour parking signs. Please let me know if the City is willing to take this action for the safety and well being of its residents.

Sincerely,



Elizabeth J. Brodek, J.D.
Wisconsin State Bar # 1086630
Staff Attorney

C: Dan Devine
Alderspersons
John Stibor
Brian Block

ORDINANCE NO. 4092

By Aldermen Cashmore & Sengstock

AN ORDINANCE TO ESTABLISH PARKING
RESTRICTIONS ON SOUTH 117 STREET
IN THE 2300 BLOCK.

The Common Council of the City of West Allis do ordain
as follows:

PART I. Pursuant to Section 10.10 of the Municipal
Code, the following parking restrictions are hereby established:

<u>Block No.</u>	<u>Street</u>	<u>Side of Street</u>	<u>Parking Time</u>
2300	So. 117 Street	West	1 Hour Parking 8 A.M. to 4 P.M. exc. Sat. & Sun.

PART II. All ordinances or parts of ordinances contravening
the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force
from and after its passage and publication.

PASSED Sept 18 1973

Phil Elliott
City Clerk

APPROVED September 21 1973

Urban Hansen
Mayor

ORDINANCE NO. 6162

ORDINANCE TO ESTABLISH PARKING RESTRICTIONS ON THE WEST SIDE OF THE 2300, 2400 AND 2500 BLOCKS OF S. 117 ST. AND BOTH SIDES OF THE 11700 BLOCK OF W. HAYES AVE.

BY Alderperson Reinke

The Common Council of the City of West Allis do ordain as follows:

PART I. Pursuant to Section 10.10 of the Revised Municipal Code, the following parking restrictions are established:

<u>Street</u>	<u>Block</u>	<u>Side</u>	<u>Restriction</u>
S. 117 St.	2300, 2400 and the north 140 ft. of the 2500	West	1 Hour Parking 8 A.M. to 4 P.M. School Days
W. Hayes Ave.	11700	Both	1 Hour Parking 8 A.M. to 4 P.M. School Days

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED: May 16, 1995
/s/ Eldon M. Rinke, City Clerk
APPROVED: May 17, 1995
/s/ John Turck, Mayor

Published: May 25, 1995

