



**City Attorney's Office**

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July 20, 2017

Common Council  
City of West Allis

RE: 6006 West Orchard Street – Request for Special Charge

Dear Council Members:

On May 23, 2016, a Public Works employee discovered that the City sidewalk at 6006 West Orchard Street in the City of West Allis was damaged. A City investigation revealed that on that same date, employees from Casillas Landscape, LLC were doing cement work at that location. As a result of the damage, City employees needed to repair the sidewalk at the cost of \$471.31 on July 13, 2016. The repair costs were turned over to me to commence legal action to recoup the City's loss.

Upon speaking with the property owner, Larry Day, and a representative from Casillas, I discovered that both parties were failing to take responsibility for the damage. I sent both parties a demand letter for reimbursement on July 18, 2016, but received no response. While researching this matter, I discovered that Wis. Stat. Sec. 66.0627(3)(b) allows a City to impose a special charge for the sidewalk repair after the governing body holds a public hearing on the matter. Rather than pay a filing fee, service fees, and other related expenses for initiating and pursuing litigation, pursuing this matter as a special charge will save the City a significant amount of time and money. Furthermore, unlike a court judgment, the City will automatically receive reimbursement when the property owner pays his property taxes or the County reimburses us for the unpaid debt.

Therefore, since the advantages to the City are substantial, I am submitting this request to you to hold a public hearing on the matter and am requesting that you approve the imposition of a special charge of \$471.31 for the repair work at 6006 West Orchard Street.

Respectfully submitted,

Jenna Merten  
Assistant City Attorney