on: 2/10/16 12:40 P schultz	1 de la la la conservación de la la la la la conservación de la
AT 7525 W. GRENHOW AVE SERVED IN PE	ENSON BY: First Lames
AT: 7525 W. GREENFRAM AVE SERVED IN PER WEST ALLIS WI STATE OF WISCONSIN, CIRCUIT COURT, Milwaukee COU	INTY For Official Usen
	To company of the control of the con
Plaintiff: (Name [first, middle, last], Address, City, State, Zip)	stoll 0
Demandante: (Nombre [primero, segundo, apellido], domicilio, ciudad, estado, código pos	2
2002 S. 75% ST.	0.9
WEST ALUS WI 53219	
	Amended Enmendado
See attached for additional plain	Owner and Complaint
Ver adjunto para otros demanda	Small Claims
-VScontra-	Citaciones y Demandas
To: Defendant(s): (Name [first, middle, last], Address, City, State, Zip) Para: Demandado(s): (Nombre [primero, segundo, apellido], domicillo, ciudad, estado, código	Reclamos de menor cuantía
CITY OF WEST AWS	Case No.
7525 W. GREENFIELD AVE	Número de caso
WEST ALLIS, WI 53214	Claim for money (\$10,000 or less) 31001
See attached for additional defe	Reclamo de dinero (\$10.000 o menos)
Ver adjunto para otros deman	Developing of property (repleting)
ver aujunto para otros deman	de cosas muebles)
If you require reasonable accommodations due to a disability to participate in the co	ourt Eviction Desalojo 31004
process, please call (414) 985-5757 at least 10 working days p	prior to Li Eviction due to foreclosure 31002
the scheduled court date. Please note that the court does not provide transportation	Arbitration award 31006
Si necesita ajustes razonables debido a una discapacidad para poder participar en el procedir judicial, sirvase llamar como mínimo 10 días hábiles antes de la fecha judicial programada. Po	nr favor
tome en cuenta que el tribunal no proporciona transporte.	Devolución de seña
O FEB - 5 2016	Tort/Personal injury (\$5,000 or less) 31010
Biogenomenopologicolista por prije konstruktiva (prijekt Ac 1775/2 d.) Septembergia	Agravio/Daños Corporales (\$5.000 o menos)
This form does not replace the need for an interpreter, any colloquies many	dated by law or the responsibility of court and
counsel to ensure that persons with limited English proficiency fully compre	hend their rights and obligations.
Este documento no sustituye el uso de un intérprete, ni los coloquios judiciales exig	gidos por la ley. Tampoco sustituye la
responsabilidad del tribunal y los abogados de asegurarse de que las personas cuy	va comprensión del idioma inglés sea limitada
entiendan por completo sus derechos y obligaciones.	
SUMMONS CITACIÓN To the Defendant(s): Para el/los demandado/s:	When to Appear/File an Answer
You are being sued as described below. If you wish to dispute this matter:	Fecha para comparecer/
Lo están demandando según lo indicado abajo. Si desea disputar este asunto:	presentar una respuesta
You must appear at the time and place stated. Debe comparecer a la hora y en el lugar establecidos.	Pate MARCH 4 20 Hora GAM
AND/OR (Clerk will circle one)	Place to Appear/File an Answer
Y/O (El Actuario del juzgado marcará una)	Lugar para comparecer/presentar una
You must file a written answer and provide a copy to the plaintiff or	respuesta
plaintiff's attorney on or before the date and time stated. Debe presentar una respuesta por escrito y proporcionar una copia al	-
demandante o al abogado del demandante en la fecha y hora establecidas	Milwaukee County Courthouse
o con anterioridad a ellas. If you do not appear or answer, the plaintiff may win this case and a	901 N Ninth Street, Room 400
judgment entered for what the plaintiff is asking.	Milwaukee, WI 53233 $\psi_0 q$
Si no comparece ni responde, el demandante puede ganar esta causa y se puede	Production of the Control of the Con
dictar un fallo a favor de lo que el demandante esté solicitando. Clerk/Attorney Signature <i>Firma del Actuario de Juzgado/Abogado</i>	Date Summons Issued Date Summons Mailed
John Bauett	Fecha de emisión de la driadion Fecha en la que se envió la
RECEIVED	
VEACIAED.	SC NOV 2 3 2015 SC
EB 1.0 2016	
SC-550, 08/11 Summons and Compliant – Small Claims Y OF WEST ALLIS This form shall not be modified. It may be supplemented	Chapter 799, Wisconsin Statutes
CITY CLERK	Clerk of Circuit Court

C: Attorney worked-up 2/10/16

COMPLAINT DEMANDA

Plaintiff's Demand: Demanda del demandante The plaintiff states the following claim against the of El demandante realiza la siguiente demanda contra el/lo 1. Plaintiff demands judgment for: (Check as a Claim for Money \$ 3,39	defendant(s): s demandado/s: appropriate) El demandante exige u Tort/Persona Agravio/Daños Co tion Eviction due Desalojo por eject in 2 below.) Devolución de propiedad (Ro 1) 425.205 para la recuperación de bienes de on of arbitration award. de sentencia arbitral. di such other relief as the court de stir, y toda otra asistencia que el trib eviction action and you are seeking money dan sión de desalojo y busca el resarcimiento de di	al injury \$	s muebles)(Describa los Cuada. te that claim on this form.)
See attached for additional information. In Ver adjunto para información adicional. Proposition: Under oath, I state that the above belief, and as to those matters, I believe them to Verificación: Declaro bajo juramento que la demanda en información y creencias, y en cuanto a esos asundo.	complaint is true, except as those be true. In precedente es verdadera, except tos, creo que son verdaderos. I am: Applaintiff.	e matters stated	dado/s. upon information and uellos asuntos basados intiff.
State of Wisconsin Estado de County of Milwaukee	Signature of Plaintiff or Attorney Firma del demandante o abogado	Date Fecha	Attomey's State Bar Number Número de inscripción del abogado en el Colegio de Abogados
Subscribed and sworn to before me on 11 23 15 Suscrito y jurade ente mi Notary Public/Court Official Notario Público, Funcionario del tribunal	Plaintiff's/Attorney's Telephone Number Teléfono del demandante/abogado	Law Firm and Address Bufete de abogados y	
Name Printed or Typed Nombre escrito en letra de molde o a máquina. My commission/term expires: 3-12-2019			

COMPLAINT

Plaintiff's losses occurred on or about August 12, 2015. Plaintiff is a City of West Allis resident living at 2002 S. 75th St. (corner of 75th and Rogers). The City of West Allis replaced the roadway from 76th St. to 67th St. with concrete in the fall of 2010. By March of 2011 (4 months later) the road showed numerous and lengthy cracks. One such crack in the roadway outside of the plaintiff's house measured approximately 80' in length. The plaintiff notified Chris St. Claire of the City of West Allis Engineering Dept. at that time. They were aware of the road breaking up but did not know why it was occurring. For the next couple of years the plaintiff corresponded with the members from the City of West Allis (Chris St. Claire, Mike Lewis, Brian Walker, and Alderman Martin Weigel) by phone, e-mail, and also by letter. After the 1 year warranty for the road had expired, Mr. St. Claire advised the plaintiff that the warranty had been extended 4 more years. That warranty has now also expired. The plaintiff alleges that the road is and continues to be damaged by West Allis Fire equipment returning to their station on 67th and Becher in a non-emergency fashion. (Violation of Wisconsin Statute 346.03(1)) W. Rogers St. is a no trucking route from 76th to 67th St. A no trucking route limits vehicles to those being less than 11,000 pounds. Plaintiff observes West Allis Fire Dept. ladder trucks and other fire equipment traveling down this roadway often 10 times per day. A ladder truck has a dry curb weight of over 60,000 pounds which is in violation of Wisconsin Statute 348.15(3)(a). Per Wisconsin statute

348.02(3), the owner of the these vehicles (City of West Allis) is liable as a governmental agency as if they had operated that vehicle themselves. An e-mail from Alderman Weigel to the plaintiff on May 30, 2014 stated that he had spoken to Chief Bane of the West Allis Fire Dept. and they would look into forming a city policy to prevent use of this roadway by the fire equipment returning to the station in a non-emergency fashion. Fire Equipment continues to use this road as frequently as ever. On August 12, 2015 the plaintiff discovered an additional 34' long crack in W. Rogers St. just outside of his home. He filed a claim with the city to have his special assessment and interest that he paid to the city for this roadway returned to him. The city denied the claim on November 6, 2015 and advised that the plaintiff had 6 months from that date to file a lawsuit. This case was originally filed on November 23, 2015, and this amended version is submitted for clarification of the timeline in which the latest damage was discovered.

1:33 PM

SIGNED Law

RANDAL R. HOLMES

2-5-16

August 12, 2015

City of West Allis Attn: City Attorney Scott Post 7525 W. Greenfield Ave. West Allis, WI 53214

Randal R. Holmes 2002 S. 75th St. West Allis, WI 53219 PH: 414-321-5124

City Attorney Scott Post,

This letter is written for the purpose of filing a claim with the City of West Allis for Street Assessments and interest totalling \$2963.42. In October of 2010, the completion of roadwork on W. Rogers from 76th St. east to 67th St. occurred. By March of 2011, (5 months later) just after the snow melted, it was obvious that there was a problem with the concrete work. The entire roadway from 76th to 67th Streets had thousands of feet of cracks. I measured one of the cracks right outside of my house that was in excess of 80 feet long. I live in a corner house on 75th and Rogers and paid for this roadway with a special assessment and interest over 4 years.

I contacted the West Allis City Engineering Dept. who was also aware of the problem but stated they had no idea why this was occurring. I had numerous conversations with Chris St. Clair who assured me that the road was guaranteed by the construction company that did the work and when they came to a solution for the problem, he would let me know. I spoke with Mr. St. Clair a couple times after that but had received no new information as to what would happen.

In 2012 I finally contacted my alderman, Matin Weigel, regarding the problem which appeared to be getting worse. At that time I was becomming very upset that there had been no determination as to the cause of the breaking up of the roadway. The city was also not even putting any tar in the cracks over the winters which would have stopped water from getting into the roadway and breaking it up even more. Alderman Weigel advised me at that time that there would be nothing done to fix the road nor would I receive any reimbursement for the damaged product.

On May 12, 2014 I again contacted alderman Weigel as I believed that I had come to my own conclusion why the roadway was breaking up. At least 10 times a day I observe West Allis Fire

engines and Med units traveling east on Rogers from 76th St. to 67th St. as they return back to their station in a non-emergency fashion. This roadway is deemed "no trucking" and some of this equipment weighs in excess of 60,000 pounds. (You can actually hear the roadway heaving as they go by) Alderman Weigel stated that he would look into this further. He responded back to me on May 30, 2014 by e-mail stating that he had spoken to Chief Bane who told him there is no policy regarding their equipment using no trucking roads in a non-emergency mode. Chief Bane was going to look into creating such a policy and Alderman Weigel stated he would support it.

As to this date I still see at least 10 Fire engines and Med units returning to their station in a non-emergency mode on any given day. I want to make clear that I have no animosity toward the fire department, but believe that trucks like these should only be traveling on a no trucking roadway while responding in an emergency mode. Either way, I made my last assessment installment several months ago and have now paid in full for a product that the city sold me that is and has been damaged from almost the beginning. I'm hopeful that I will receive reimbursement for this without filing a small claims suit.

Please contact me at your earliest convenience with your response.

Thank You,

Randal R. Holmes

City of West Allis Treasurer's Office 7525 W Greenfield Ave West Allis, WI 53214

STATEMENT OF REAL ESTATE TAXES FOR 2011 CITY OF WEST ALLIS COUNTY OF MILWAUKEE STATE OF WISCONSIN

00001788

HOLMES, RANDAL
2002 S 75TH ST
WEST ALLIS WI 53219-1257

TAX ID: 000020468

KEY 476-0377-000 HOLMES, RANDAL 2002 S 75 ST

IMPORTANT: The owner above is for tax bill purposes only. It may be abbreviated.

Assessed Value Land 21,100	Ass'd. Value Improvements 133,600	Total Assesse 154,70			Assmt, Ratio 1,0443	Not Assessed Value Rate (Does NOT reflect Credits)	26,1464
Est. Feir Mkt. Lend 1 20,200	Est. Fair Mkt. Improvements 127,900	Total Est. Fai 148,10			in this box means id Prior Year Taxes	School taxes reduced by school levy tax credit	244.7
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CITY OF WEST ALLIS MILWAUKEE COUNTY	12,348 4,190			5,201 7,681	1,486.20 694.30	698,87	1.5 .6
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MILW AREA TECH COLLE STATE OF WISCONSIN	GE 1,433	,177	97	7,741	299,22 26,47		3.7 5.0
	ER CREDITS In is not paid by the due date, and subject to interest and p			st	86,87 3,883,75 NET PROPERTY SPECIAL ASSESS	3,880.12	3,880.12
	,	OUNT DUE	•		INT STREETS PRIN STREETS		99.62 643.55
	31-2012 \$	1,974.00	<i>,</i>				7 12 12 2
		1,324.66					
05-3	\$1-2012	1,324.63					
	HON COVERS YOUR PROPERTY. TAX BILL ONLY AND MAY NOT						
VERDALE LOT 40 & 39 BLK 1 & W HAL EY ADJ							

or First installment of:

Make Check Payable to:

Due on or Before:

1,974.00

January 31, 2012

City of West Allis



' City of West Allis Treasurer's Office 7.525 W Greenfield Ave West Allis, WI 53214

STATEMENT OF REAL ESTATE TAXES FOR 2012 CITY OF WEST ALLIS **COUNTY OF MILWAUKEE** STATE OF WISCONSIN

00001793

HOLMES, RANDAL 2002 S 75TH ST WEST ALLIS WI 53219-1257 lablandlanddanddlabandlabaldanddlanabbanddadda

TAX ID: 000020468

KEY 476-0377-000 HOLMES, RANDAL 2002 S 75 ST

IMPORTANT: The owner above is for tax bill purposes only. It may be abbreviated,

Assessed Value Land 21,100	Ass'd. Value Improvements 133,600	Total Assess 154,7	li li		Assmt. Ratio 1.0922	Net Assessed Value Rate (Does NOT reflect Credits)	26.0111
Est. Fair Mkt. Land 19,300	Est. Fair Mkt. Improvements 122,300	Total Est. Fa			in this box means d Prior Year Taxes	School taxes reduced by school levy tax credit	242.5
TAXING JURISDICTION	ALLOC.	ATE AIDS ATED TO ST. FOR	EST. STAT ALLOCAT TAXDIST	FED TO	NET TAX	NET TAX	% CHANG NET TAX
	20	11	201	2	2011	2012	
CITY OF WEST ALLIS	11,04	15,201	11,007	7,521	1,508.9	0 1,515.58	.4
MILWAUKEE COUNTY	3,56	57,681	3,578	3,059	698.8	,	2.2
MILW METRO SEWERAG	GE DIST	•	*	•	223.9		3.1
WA/WM SCHOOL DISTR	ICT 36,62	26,712	39,797	7,708	1,299.7		4.7
MILW AREA TECH COLL	LEGE 97	77,741		1,804	288.2	7 299.99	4.1
STATE OF WISCONSIN					25.1		4.4
TOTALS FIRST DOLLAR CREDIT LOTTERY CREDIT NET PROPERTY TAX AF	T	7,335	55,368	3,092	4,044.8. 70.9 93.8: 3,880.1:	0 69.04 3 96.24	.5 2.6 2.6
					2,000.17	4 2,020,022	.Ω
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Marning: If the first installment				st	NET PROPERTY SPECIAL ASSES	TAX	3,858.63
Warning: If the first installmand the total tax is delingue	nent is not paid by the due dat nt and subject to interest and	penalty. (See rev	verse)	st	NET PROPERTY	TAX SMENTS	3,858.63 128.71
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Warning: If the first installmand the total tax is delinquer DU 01- 03- 05- RTANT: BE SURE THIS DESCRIPTION IS FOULL LEGAL DESCRIPTION. VERDALE LOT 40 39 BLK 1 & W HAI	nent is not paid by the due dat int and subject to interest and JE DATE AM -31-2013 \$ -31-2013 \$ -31-2013 \$ IPTION COVERS YOUR PROPERT OR TAX BILL ONLY AND MAY NO & N 20 FT OF	penalty. (See rev IOUNT DUI 1,994.31 1,318.29 1,318.29 y.	verse)	st	NET PROPERTY SPECIAL ASSES INT STREETS PRIN STREETS	TAX SMENTS f: \$ Int of: \$	3,858.63 128.71 643.55



CITY OF WEST ALLIS TREASURER'S OFFICE 7525 W GREENFIELD AVE WEST ALLIS WI 53214

STATE OF WISCONSIN 2013 REAL ESTATE PROPERTY TAX

CITY OF WEST ALLIS MILWAUKEE COUNTY

Bill No: 9965

Parcel Number: 476-0377-000

Full Payment of:

\$4,492.43

or First Installment of:

\$1,943.03

Due on or Before:

January 31, 2014

Make Check Payable to: CITY OF WEST ALLIS

476-0377-000 009964 RANDAL HOLMES 2002 S 75 ST

WEST ALLIS WI 53219

REMIT TO: CITY OF WEST ALLIS 7525 W GREENFIELD AVE WEST ALLIS WI 53214



PLEASE USE COUPONS WITH YOUR PAYMENTS

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CITY OF WEST ALLIS	STATE OF WISCO	NSIN	2013 F	REAL ESTATE PRO	PERTY TA		
Assessed Value Land	Assessed Value Improvements		Total Assessed Value	F	Ave. Assmt. Ratio	Net Assessed Val	
21,000	118,400		139,400		100.8%	(Does NOT reflect Lottery Credit) .028174704	
Est. Fair Mkt. Land	Est. Fair Mkt. Improvements		Est. Fair Mkt.	Α	star in this box means	School taxes reduced by	у
20,800	117,400		138,200	ur	npaid prior year taxes.	school levy tax credit 234.14	
		112 ate Aids	2013 Est. State Aid	•	2012	2013	% Tax
Taxing Jurisdiction		Tax District	Allocated Tax Dis	-	Net Tax	Net Tax	% iax Change
CITY OF WEST ALLIS	3 11,00	7,521	10,953,04	8	1,515.58	1,499.24	-1.1
MILWAUKEE COUNT	Y 3,57	8,059	3,614,02	3	714.54	709.31	-0.7
STATE OF WISCONS					24.04	23.46	-2.4
MATC	98	4,804	974,62	3	299.99	294.11	-2.0
MMSD					230.77	235.44	2.0
WA/WM SCHOOL DIS	ST 39,79	7,708	43,763,60	4	1,238.99	1,165.99	-5.9
	Total 55,36	8,092	59,305,29	8	4,023.91	3,927.55	-2.4
			First Dollar Credit		69.04	64.81	-6.1
			Lottery and Gaming	Credit	96.24	110.39	14.7
			Net Property Tax		3,858.63	3,752.35	-2.8
MPORTANT: Correspondence s		Full Pay	ment Due On or Before	0	STREET ASSMT-F	PRIN 6	343.55
See reverse side for more inform	nation.			STREET ASSMT-II	TREET ASSMT-INT		
002 S 75 ST			\$4,492.43	Н			
3-06N-21E Acres: 0.137 CLOVERDALE LOT 40 & N 20 F	T OF	First Insta	allment Due On or Before	Е			
OT 39 BLK 1 & W HALF OF VA		Ja	anuary 31, 2014	R			
ALLEY ADJ			\$1,943.03				
		Second Ins	stallment Due On or Before				
		1	March 31, 2014				
			\$1,274.70	TOTAL DUE FOR FULL PAYME			ıΤ ·
		Third Inst	allment Due On or Before				11
			May 31, 2014	PAY BY January 31, 2014 \$4,492.43			
			\$1,274.70	141	• •		
			Ψ 1,=1 317 V	VV	arning: If not paid by due da	ite, installment option is lost	and total

tax is delinquent subject to interest and, if applicable, penalty. Failure to pay ontime. See Reverse.

CITY OF WEST ALLIS ,TREASURER'S OFFICE 7525 W GREENI IELD AVE WEST ALLIS WI 53214

STATE OF WISCONSIN 2014 REAL ESTATE PROPERTY TAX CITY OF WEST ALLIS MILWAUKEE COUNTY

Parcel Number: 476 0377 000

Bill No: 48745

Full Payment of:

\$4,322.92

or First Installment of:

\$1,865.94

Due on or Before:

January 31, 2015

Make Check Payable to: CITY OF WEST ALLIS

476-0377-000 009972 RANDAL HOLMES 2002 S 75 ST WEST ALLIS WI 53219

BREZWAE SPACOSENOVE MESTAOLEKO VANVENER

CITY OF WEST ALLIS	,		STATE OF WISCO	NSIN	2014 (KEAL ESTATE PRO	PERTY 17	
Assessed Value Land	Acsessed Value Imp	revenents	Total Assessed Value	1	Nva. Asamt. Ratje	Net Assessed Value Bate		
21,000	118,400		139,400		100.3%	(Does NOT reflect Lottery Credit) .027161937		
Est. Fair Mkt. Land	Est. Fair Mkt. Improvement		Est. Fair Mkt. Improvements Est. Fair Mkt.		A	star in this box means	ins School taxes reduced by	
20,900	118,000		138,900	นุก	paid prior year taxes.	school levy tax credit 227.88		
Taving Jurisdiction	Est. St	113 ate Aids Tay District	2014 Est. Slate Aid Allocated Tax Dis		2013 Net Tox	2014 Net Tay	% Tax Change	
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MATC MMSD	97	4,623	943,29		294.11 235 44	23.36 176.51 238.28	-40.0 1.2	
		•	47,827,10	7	1,165.99	1,132.79	-2.8	
	Total 59,30	5,298	63,389,83: First Dollar Credit Lottery and Gaming Net Property Tax		3,927.55 64.81 110.39 3,752.35	3,786,37 63,65 107,71 3,615,01	-3.0 -1.8 -2.4 -3 7	
MPORTANT: Correspondence should refer to PARCE fee reverse side for more information. 602 5.75 ST 3-06N-21E Acres: 0.137 ELOVERDALE LOT 40 & N 20 FT OF OT 39 BLK 1 & W HALF OF VAC LLEYADJ		Ja First Inst	yment Due On or Before anuary 31, 2015 \$4,322.92 allment Due On or Before anuary 31, 2015 \$1,865.94	0 T H E R	STREET ASSMT-I STREET ASSMT-I		64.36 643.55	
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		i	allment Due On or Before May 31, 2015 \$1,228.49	ī	PAY BY Ja \$4, ming. if not paid by due da ax is definquent subject to	inuary 31, 2015 322.92 de, installment option is los interest and, if applicable, p ontime. See Reverse.	(and wia	





OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk
414/302-8220
414/302-8207 (Fax)
City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214
mschultz@westalliswi.gov
www.westalliswi.gov

August 13, 2015

Randal R. Holmes 2002 S. 75 St. West Allis, WI 53219

Dear Mr. Holmes:

Please be advised that this office, on August 12, 2015, received your request for reimbursement of special assessment and interest payments for roadwork completed October 2010 on W. Rogers St. from S. 76 St. to S. 67 St. This matter will be investigated by an authorized representative of the City. Common Council action regarding your communication will not be taken until the investigation is completed and a subsequent recommendation from the City Attorney's Office is reported to the Common Council.

Any questions you may have regarding this matter should be directed to the City Attorney's Office at 414-302-8450.

Sincerely,

Monica Schultz City Clerk

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/amn

cc: City Attorney





OFFICE OF THE CITY CLERK

Monica Schultz City Clerk

NOTICE OF DISALLOWANCE OF CLAIM

November 6, 2015

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

Mr. Randal R. Holmes 2002 South 75th Street West Allis, WI 53219

Re:

Your Claim Against the City of West Allis

Dear Mr. Holmes:

At its meeting on November 3, 2015, the Common Council of the City of West Allis considered your claim received on August 12, 2015, regarding reimbursement for the special assessment for the 2010 road project on West Rogers Street from 76th Street east to 67th Street, West Allis, Wisconsin and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of West Allis or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

Sincerely,

Monica Schultz City Clerk

Marien Schulte

cc: City Attorney's Office City Clerk's Office

MS:kp