

OFFICE OF THE CLERK-TREASURER

Gina Kozlik, Clerk Treasurer

201 DELAFIELD STREET
WAUKESHA, WISCONSIN 53188-3692
TELEPHONE CLERK - 262/524-3550
TELEPHONE TREASURER - 262/524-3850
FAX 262/524-3888



May 19, 2017

To: Community Insurance / AEGIS Corporation
Re: Accident or Claim of: White Rock 1, LLC
2312 West Clybourn Street
Milwaukee, WI 532333
Date of Claim: May 17, 2017
Date City Served: May 19, 2017

The enclosed is being sent to you for your information and consideration. Please direct any further inquiries to Keith Yahn at (262) 524-3552.

Sincerely,

Sandee Policello
Deputy Clerk Treasurer

Cc: Clerk (Original) / Finance / Attorney / Assessor





TAGLaw International Lawyers

Smitha Chintamaneni

Direct Telephone

414-287-1515

schintam@vonbriesen.com

May 17, 2017

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL

City of Waukesha
Attn: City Clerk
201 Delafield Street, Room 104
Waukesha, WI 53186

Re: Property Located at 1445 White Rock Avenue, Waukesha, Wisconsin

Dear City Clerk:

On behalf of White Rock 1, LLC, please find enclosed a Notice of Claim and Claim Pursuant to Wis. Stat. § 893.80.

Very truly yours,

von BRIESEN & ROPER, s.c.


Smitha Chintamaneni

SC:amb
Enclosure

cc: Maqbool Muhammad (Via Email)

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NOTICE OF CLAIM AND CLAIM
PURSUANT TO WIS. STAT. § 893.80

TO: City of Waukesha
Attention: City Clerk
201 Delafield Street, Room 104
Waukesha, WI 53186

PLEASE TAKE NOTICE that White Rock 1, LLC, a Wisconsin limited liability company (herein the "Claimant") asserts this Notice of Claim and Claim as against the above noticed municipal body and governmental subdivision in accordance with the provisions of Wis. Stat. § 893.80. The circumstances giving rise to this claim, and the resulting claim for damages and other relief arise out of the following circumstances and events:

1. Claimant holds title to property located at 1445 White Rock Avenue, City of Waukesha, County of Waukesha, State of Wisconsin (herein the "Property"). A legal description of the Property is attached hereto and incorporated herein as Exhibit A. Claimant's mailing address is 2312 West Clybourn Street, Milwaukee, Wisconsin 53233.

2. City of Waukesha (herein the "City") is a municipal corporation organized and operating in accordance with the provisions of Chapter 62, Wis. Stats. Gina Kozlik is, upon information and belief, the City Clerk of the City of Waukesha, Wisconsin.

3. In May 2016, City commenced a construction project known as the "East Moreland Boulevard Reconstruction Project", which included, but was not limited to, portions of East Moreland Boulevard, White Rock Avenue and

Eales Avenue (herein collectively the "Project"). The intersection of East Moreland Boulevard and White Rock Avenue is a five-legged intersection, with East Moreland, White Rock Avenue, and Eales Avenue converging at a five-point stop operating under a traffic-control signal.

4. As of January 1, 2016, and prior to the commencement of the Project, City valued the Property at \$361,000.00.

5. As of February 22, 2017, and as a direct result of the Project's limitation of access, the highest and best use of the Property has changed.

6. As of February 22, 2017, the Claimant's Property has lost substantially all of its market value of \$361,000.00.

7. The damages caused by the City lie in tort, equity and common law, and include, but are not limited to, inverse condemnation, pursuant to Wis. Stat § 32.10 and Wisconsin Constitution Article I, Section 13.

8. Claimant intends to file an action against City seeking just compensation for damages caused by City's actions and inactions described above, which has resulted in the unlawful deprivation of Claimant's due process and property rights guaranteed under the Wisconsin Statutes, the Wisconsin Constitution and the Constitution of the United States of America.

9. All notices and responses related to this Notice of Claim and Claim should be mailed to Claimant at Claimant's address, and to Claimant's counsel, Alan H. Marcuvitz and Smitha Chintamaneni, Von Briesen & Roper, s.c., 411 East Wisconsin Avenue, Suite 1000, Milwaukee, WI 53202.

WHEREFORE, in accordance with the above referenced Notice of Claim and Claim, Claimant seeks the following relief:

1. Payment of damages, for the diminution in value of the Claimant's Property; and
3. Reimbursement of the Claimant's costs, fees and expenses incurred in pursuing this claim; and
4. Such other relief as may be necessary and appropriate and including, but not limited to, such relief as may be authorized and ordered by any court of competent jurisdiction should this claim not be resolved prior to the commencement of litigation.

The above Notice of Claim and Claim is subscribed to by the undersigned, Maqbool Muhammad, the registered agent for White Rock 1, LLC. The undersigned, by executing this Notice of Claim and Claim, has reviewed and read the same and states under oath that information and statements contained herein are true and accurate.

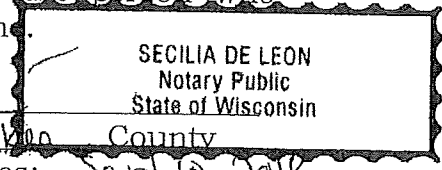
[Handwritten Signature]

Name: MAQBOOL MUHAMMAD

STATE OF WISCONSIN)
)ss
Milwaukee COUNTY)

Personally came before me this 17th day of May 2017, the above named Maqbool Muhammad, to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Handwritten Signature]



Notary Public, Milwaukee County

My Commission is/expires: 8/10/2018

Von Briesen & Roper, s.c.
Attorneys for Claimant

By: [Handwritten Signature]

Alan H. Marcuvitz
WI State Bar No. 1007942
Smitha Chintamaneni
WI State Bar. No. 1047047

EXHIBIT A: LEGAL DESCRIPTION

PT LOTS 1, 2 & 3 COLUMBIA ADD PT SW1/4 & SE1/4 SEC 35 T7N R19E & PT SW1/4 COM SE
COR LOT 3, NW ON CURVE 129.87', N51 44'E 81.53', N60 25'E 69.47', S19 37'E 66.68', N71 W
17.57', S18 54'W 121.16' TO BEG DOC NO 4049448

Tax Key Id: 1003020