

To: Gina Kozlik, CMC/WCMC
Clerk/Treasurer
City of Waukesha
201 Delafield Street
Room 104
Waukesha, WI 53188

Re: Notice of Circumstances of Claim and Claim – CFT NV Developments, LLC, a Nevada limited liability company

PLEASE TAKE NOTICE that CFT NV Developments, LLC, a Nevada limited liability company (“CFT NV”), with an address at 1683 Walnut Grove Avenue, Rosemead, California, 91770, hereby sets forth the following circumstances of claim and claim with regard to the City of Waukesha (the “City”).

CFT NV owns multiple parcels of real property located in the City, with the following tax key numbers/addresses (collectively, the “Property”):

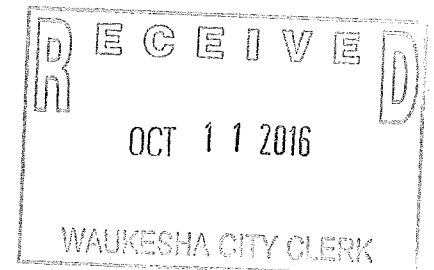
Tax Key No. WAKC 0974-985
Address: 2720 North Grandview Boulevard

Tax Key No. WAKC 0974-985-001
Address: North Grandview Boulevard

Tax Key No. WAKC 0974-983
Address: North Grandview Boulevard

Tax Key No. WAKC 0974-986-001
Address: Meadow Lane

Tax Key No. WAKC 0947-981-002
Address: North Grandview Boulevard



CFT NV submitted two applications to the City to develop the Property: (1) Application for Preliminary Site Plan & Architectural Review (“Site Plan Application”); and (2) Application for a Conditional Use Permit. On July 14, 2016, the City’s Plan Commission (the “Plan Commission”) denied both applications.

Served on the
Date 10-11-16 To JESSA
Address 201 Delafield St.
Waukesha WI
Person Served Gina Kozlik
Corporate

The proposed use of the Property as set forth in the Site Plan Application is a permitted use under the zoning code. The reason that the Plan Commission denied the Site Plan Application was due to the traffic issues that previously existed and currently exist at the corner where the Property is located (Silvernail Road and Grandview Boulevard). The City's denial of the Site Plan Application applies to and affects all development or use of the Property, not just the proposed submittal. The traffic issues that the City identifies (and the ones identified by the members of the public that spoke at the meeting) are ones that already exist now, and they will apply to any development that is proposed. By denying the development on the Property proposed by CFT NV because of existing traffic problems, the City is stating that no development can occur on the Property until the existing traffic problems are rectified. The City's Department of Public Works identified traffic issues that previously and currently exist at the intersection, prior to and regardless of the proposed development.

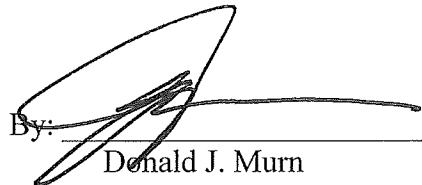
Specifically, in denying the Site Plan Application, the Plan Commission explicitly acknowledged that the traffic problem exists at that corner and it needs to be solved. The proposed development does not increase or cause additional impacts to the traffic. Although the peaking of the traffic is different between the prior use of the Property and the proposed use, the City asked CFT NV to study the site as if all of the traffic was peaking at the same time, and the proposed development did not increase any such traffic. The traffic concerns that have been identified already exist now, regardless of what is developed on the Property now or in the future. The Plan Commission indicated that it did not want to approve a development for the Property until the traffic issue was resolved. In making its determination, the City took all or substantially all of the use of the Property, as it is prohibiting development of a parcel of real estate due to pre-existing issues that are not caused solely by the use of that parcel.

Pursuant to Wis. Stat. § 893.80, CFT NV Developments, LLC (defined above as CFT NV) hereby submits this Notice of Circumstances of Claim and Claim for the following relief:

1. Damages for the taking or inverse condemnation of the Property, which may be in excess of Three Million and 00/100 Dollars (\$3,000,000.00).
2. Costs and attorney's fees for this matter, based upon, among other things, Wis. Stat. § 32.10.

Dated: October 10, 2016

AXLEY BRYNELSON, LLP
Attorneys for CFT NV Developments, LLC

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