



Office of the Clerk Treasurer
201 Delafield Street
Waukesha, Wisconsin 53188-3633

Clerk Treasurer
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1-262-524-3550

April 17th, 2026

To: Natalie Driebel, Accounting Clerk, Finance Department

Re: Notice of Claim - Driveway

Submitted By: AXLEY LLP

Regarding Chad Stouthamer

N17W24222 Riverwood Dr., Suite 250

Waukesha, WI 53188

Date Claim Received: May 12th, 2026

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Schoessow".

The enclosed is being sent to you to provide to our insurance or as needed for your review.

Abigail Schoessow
Clerk/Treasurer
Clerk Treasurer's Office

CC: Clerk (original) / Finance / Attorney / Engineering

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



TO: City of Waukesha
c/o City Clerk
201 Delafield St.
Waukesha, Wisconsin 53188

Aligeith SW
5-12-26
3:52 pm

PLEASE TAKE NOTICE that pursuant to Wis. Stat. § 893.80(1d)(a) and (b), Chad Stouthamer hereby gives Notice of Circumstances of Claim and Claim to the City of Waukesha, Wisconsin (the “City”), as set forth more fully herein.

Wis. Stat. § 893.80(1d)(a) Notice of Circumstances of Claim

1. Riverview Farms Inc., through its authorized representative, Chad Stouthamer (“Stouthamer”), owns real property that is currently vacant land, bearing Waukesha County Tax Key No. WAKT1409998004, Waukesha, Wisconsin 53189 (the “Property”).

2. The Property is located to the south of the terminus of Oxbow Drive, and is not included within the River’s Crossing Addition No. 2 Subdivision, or within any other subdivision of the City.

3. Stouthamer seeks to develop a single-family residence on the Property; reasonable development of the Property requires a lawful means of vehicular access from an existing public street, including the ability to construct a residential driveway connection where the Property abuts the Oxbow Drive right-of-way.

4. Consistent with the City’s driveway ordinance, set forth in the City’s Municipal Code (the “Code”) § 6.13, Stouthamer applied for a driveway permit from the City’s Department of Public Works to construct a residential driveway connection from the west terminus of Oxbow Drive to serve the Property.

5. § 6.13 of the Code provides, among other things, that no person shall construct any driveway across any sidewalk or curbing within the City without first obtaining a permit from the Director of Public Works (“Director”), and that an application must include a diagram or plat showing (at minimum) lot dimensions, driveway location, and the location of buildings or other improvements served by the driveway, along with other information as required by the Director.

6. § 6.13 of the Code further provides maximum driveway width standards, including that the Director shall not issue a driveway permit for any driveway greater than 35 feet at the curb and 30 feet at the sidewalk.

7. In Stouthamer’s driveway permit application, the diagram reflects a residential driveway approach to come off the end of the west half of Oxbow Drive, with a 12-foot-wide driveway and 3-foot flares on each side (18 feet total) from the face of the curb to the centerline of Oxbow Drive.

8. On or about April 7, 2026, through April 22, 2026, the City repeatedly refused to issue the requested permit and repeatedly shifted the asserted prerequisites for permit issuance.

9. On April 14, 2026, the City stated the permit was not allowed to be issued because the City alleged there was insufficient space within the right-of-way to install a standard 30-inch concrete curb and gutter, a typical driveway apron width, and a 5-foot sidewalk, and also because the roadway was not originally designed as a cul-de-sac or other geometric shape to promote vehicle turnaround at that location.

10. On April 21, 2026, the City then asserted that permit issuance would require Stouthamer to submit plans that meet the City’s driveway apron detail (which is not specified in the Code) and include appropriate modifications to the street geometry.

11. § 6.13 of the Code does not condition issuance of a residential driveway permit on an applicant's agreement to design, fund, or construct modifications to an existing public street or street geometry.

12. The City has not identified any ordinance that authorizes conditioning a single, non-subdivided residential parcel driveway permit on an applicant's completion of public street improvements or street-geometry modifications.

13. The City's refusal to issue the driveway permit, coupled with the City's insistence on prerequisites not set forth in readily ascertainable ordinance standards, has prevented Stouthamer from establishing lawful access necessary to proceed with the development of a single-family residence on the Property, thereby depriving him of the reasonable use of the Property.

14. Until such time as the City issues the driveway permit, the City's ongoing refusal to issue the permit constitutes a continuing, temporary taking of the Property's beneficial residential use and constitutes an inverse-condemnation.

15. The City's taking of the Property was not necessary for a desired public purpose as required by Wis. Stat. § 32.07.

16. The City's actions constitute an unlawful taking of property, in violation of the United States and Wisconsin Constitutions, and Wis. Stat. §§ 32.07 and 32.10.

Wis. Stat. § 893.80(1d)(b) Notice of Claim

As a result of the foregoing conduct by the City, Chad Stouthamer is entitled to pursue relief against the City. Without limiting any rights or remedies available at law or in equity, and expressly reserving all rights, Stouthamer seeks the following relief:

A. An order declaring that the City's actions constitute an unlawful taking of property, in violation of the United States and Wisconsin Constitutions, and Wis. Stat. §§ 32.07 and 32.10.

B. An order directing the City to process the application under the standards set forth in § 6.13 of the Code and in turn, issuance of the driveway permit.

C. Damages resulting from temporary loss of use and delay, including damages arising from the City's refusal to issue the permit and the resulting inability to proceed with the intended single-family residential development of the Property in the approximate amount of 5% (five percent) of the value of the Property as completed plus any increases in costs associated with the inability to begin construction for as long as the unlawful denial continues.

D. Judgment against the City in the approximate amount of Six Hundred Thousand and 00\00 Dollars (\$600,000) to fairly and justly compensate Stouthamer for the City's unlawful taking of the Property.

E. Statutory costs and attorneys' fees to the extent permitted by law in an amount to be determined by the Court.

F. All other damages and fees that may be incurred as a result of the foregoing actions by the City, and as the Court deems just and equitable.

Dated this 8th day of May, 2026.

AXLEY LLP
Attorneys for Chad Stouthamer

Electronically signed by Donald J. Murn
Donald J. Murn, SBN 1013371

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