

L21-00149

CITY OF MANITOWOC CLAIM FORM

NOTICE OF CIRCUMSTANCES (§893.80(1d)(a) Wis. Stats.)

NAME Connie Hungerford TELEPHONE NUMBER (920)901-1164
ADDRESS 4547 Andrea Court (Street)
OF CLAIMANT Manitowoc, WI 54220 (City, State, Zip Code)
EMAIL (optional): hungerfordc@mpsd.school

RECEIVED

SEP 20 2021

CITY CLERKS OFFICE

CIRCUMSTANCES OF CLAIM: Describe the circumstances of your claim below and attach additional sheets if necessary (who, what, where, when and how). For auto/property damages, attach a copy of the police report, if any; and a diagram of the accident scene including north, south, east or west. For personal injury, indicate the nature of the injury; if medical attention was given, the name of the physician/immediate care/hospital. List the names and addresses of any witnesses to the incident/accident. Give details.

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Incident/Accident Information:

Date 07/14/21 SEP 20 2021 Place 4547 Andrea Court
Time Night CITY ATTORNEY Manitowoc, WI 54220

Circumstances of Claim (Attach additional sheets if necessary):

The basement of my home was flooded during a rainstorm, due to a city storm drain behind my house not working properly. I awoke to an entire flooded basement, and upon investigation, found that water had filled the yard from the drain and came through the basement windows (the neighbor also reported water in his basement). My rock bed by the house was washed away, and I could clearly see a debris line 6-8 inches up the side of my house. The retention wall near the drain showed a debris line about a foot above the drain (pictures available). I am a new owner to this duplex in the past year. Since the flooding I have learned from neighbors that this did happen in 2008 (?), and it was stated then that the 6 inch pipe was not adequate for the water coming into this area. Mike from the city did come and check it out. He stated drain was clear, and he chalked it up to a once in 100 year rain event. I had to empty my basement finished rooms and pay for Service Master to tear out my finished basement carpeting in two bedrooms, a hall, and a family room. Baseboards were removed, holes were drilled, and drying fans and dehumidifiers were used to dry it out. A few weeks later (8/27), in another heavy rain (early August?) the water came through my windows again. It clearly is not a once in 100 year event! I am awaiting finishing my basement with new carpeting, and returning my furniture, until the problem is fixed.

Costs incurred so far: Service Master- \$3,189.74, Baseboard replacement-? (still waiting), New Carpet and installation-? (still waiting)

Witnesses (names and addresses):

Pat and Dale Wech- Neighbor to the north- have lived her for 20+ years

Chris Benzinger- ServiceMaster Crew Chief (920) 629-8710

Scott Hungerford- (helped clean up), 3404 Memorial Drive K3, Mtwc.

Procedure for filing claims:

1. In most instances, a signed **Notice of Circumstances of Claim** must be served on the City within 120 days after the happening of the event giving rise to the claim or it will be barred by State Statute.
2. A **Claim** must be filed with the City Clerk, City of Manitowoc, 900 Quay Street, Manitowoc, WI 54220, containing the claimant's address and an itemized statement of the relief or damages sought. This is the bottom portion of the form entitled "Claim Form." No action will be taken until this portion is completed and submitted to the City.
3. The City Attorney and or CVMIC (the City's liability insurance carrier) will then determine if your claim should be paid, compromised or disallowed. You will be notified by letter should the City determine to pay or compromise your claim. The City Attorney has the authority to pay, settle, or disallow claims up to \$5,000. Claims exceeding \$5,000 will be reviewed by the City's Finance Committee, who will present a final recommendation to the Common Council.
4. This procedure is established by Wisconsin Statutes to provide a mechanism for persons to recover damages in the event a municipality is responsible for an incident. This procedure is also designed to protect the municipality and its taxpayers from having to pay out inappropriate and/or nuisance claims.

This document does not constitute legal advice and should not be substituted for the advice of private legal counsel. Claimants have the right to retain an attorney of their choice to assist them with filing a claim solely at their own cost and expense.

Claimants are encouraged to review Wis. Stat. § 893.80 prior to filing a claim.

CLAIM FORM (§893.80(1d)(b) Wis. Stats.)

After filing a Notice of Circumstances of claim with the City of Manitowoc you must also file a claim **itemizing** the relief sought (what you want from the City or do not want the City do to). You may file a claim at any time consistent with the applicable statute of limitations. Provide copies of any bills supporting the amount of the claim. For claims involving auto/truck/property damage, please attach two estimates. If the relief sought is non-monetary be as detailed and/or descriptive as possible.

The person signing below makes a claim against the City of Manitowoc arising out of the circumstances above-described. The claim is for relief in the form of money damages as indicated below, and non-monetary relief as follows:

X

Auto/truck \$X

Personal Injury \$X

Property \$5000.00

Other (specify) \$X

Sign and then click Submit Form button below to submit to the City Clerk's Office.

Signed Connie Hungerford

SUBMIT FORM