

RESOLUTION 2010-15

-To Deny Claim of Rick and Kris Koplitz under
§893.80(1g), Wis. Stats-

WHEREAS, Rick and Kris Koplitz filed a notice of circumstances and claim against the City of Owen by and through their attorney, Bonnie Wachsmuth, on July 30, 2010, alleging damages against the City in the amount of \$180,000 for diminution in the value of their real estate as well as for physical injuries alleged to be suffered as a result of a nuisance engaged in by a third party; and

WHEREAS, the City has considered the advice of the City Attorney and its insurance carrier and has also duly considered said notice of circumstances and claim; and

WHEREAS, the City does not believe that it is liable to Rick and Kris Koplitz and herein takes action to deny the said claim in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Owen that pursuant to §893.80(1g), Wis. Stats., it hereby goes on record as denying the notice of circumstances and claim filed by Attorney Bonnie Wachsmuth on behalf of Rick and Kris Koplitz on July 30, 2010.

BE IT FURTHER RESOLVED that the City Clerk shall serve a copy of this Resolution together with a notice of disallowance upon the claimants by certified mail all in accord with §893.80(1g), Wis. Stats., and that said notice shall inform them of the decision of the Common Council to deny their claim and that, accordingly, should the claimants still be aggrieved with the City of Owen, they shall be limited to a period of not greater than six (6) months next following the date of service of said notice of disallowance upon them within which to file a lawsuit against the City.

Dated this _____ day of _____, 2010.

CITY OF OWEN

By: _____
Timothy Swiggum
Mayor

By: _____
Terri Ernst
City Clerk