



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: December 2, 2025

STANDING COMMITTEE DATE: December 8, 2025

FINAL ACTION COUNCIL DATE: December 16, 2025

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Patricia Caldwell and Queen's Corner Store and for consideration for disallowance.

EXECUTIVE SUMMARY:

Patricia Caldwell, on behalf of Queen's Corner Store, filed a claim with the City September 19, 2025, requesting \$12,000.00 for damages allegedly arising from street and sidewalk construction in the vicinity of 965 Dr. Martin Luther King Jr. Drive in Racine, on or about April 16, 2025, which purportedly reduced traffic to this business. The City maintains that the notice of circumstances for this claim was untimely filed and denies liability for the alleged damages. As such, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Patricia Caldwell, on behalf of Queen's Corner Store, at 965 Dr. Martin Luther King Jr. Drive, Racine, WI 53404, filed a claim with the City September 19, 2025, requesting \$12,000.00 for damages allegedly arising from street and sidewalk construction in the vicinity of 965 Dr. Martin Luther King Jr. Drive in Racine, on or about April 16, 2025, which purportedly reduced traffic to this business.

The notice of circumstances that the claimant filed with the City Clerk on September 18, 2025 was filed untimely. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a written notice of the circumstances of

31 a claim within 120 days of the happening of the event giving rise to the claim. The event giving rise to this
32 claim occurred on or about April 16, 2025; therefore, the notice of circumstances for this claim would need
33 to have been filed on or before August 16, 2025, in order to be timely filed, which it was not.

34 Moreover, the City denies liability for the alleged damages. The City has no record of road
35 construction resulting in a road closure on the 900 block of Dr. Martin Luther King Jr. Drive during the
36 timeframe alleged. Although the sidewalk in front of 965 Dr. Martin Luther King Jr. Drive was replaced
37 by AW Oakes around this time, it is the property owner's responsibility to maintain and replace the
38 sidewalk, otherwise, the City is forced to have a contracted company perform this work and bill the property
39 owner therefor. The claimant is not the owner of this property; however, the claimant may wish to take her
40 claim up with the property owner, Kolstedt Properties, LLC, and/or AW Oakes.

41 In sum, the City believes that the notice of circumstances for this claim was untimely filed and
42 denies liability for the alleged damages. As such, it is the recommendation of the City Attorney's Office
43 that this claim be disallowed.

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45 **BUDGETARY IMPACT:**

46 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
47 impact on the City's budget.

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49 **RECOMMENDED ACTION:**

50 That the disallowance of this claim be recommended for approval.
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