

**RESOLUTION 2020-114**

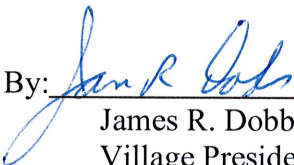
**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA  
DISALLOWING THE CLAIM OF MARK AND SUSAN GRACYALNY, DATED  
OCTOBER 15, 2020 AND FILED WITH THE VILLAGE ON OCTOBER 16, 2020**

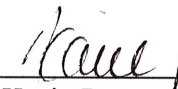
**WHEREAS**, Mark and Susan Gracyalny presented an Itemized Notice of Claim in the amount of \$391,225.00 pursuant to Section 893.80, Wis. Stat., dated October 15, 2020 and filed with the Village Clerk on October 16, 2020 (“Gracyalny Claim”);

**NOW THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Caledonia disallows the Gracyalny Claim pursuant to Section 893.80, Wis. Stat., dated October 15, 2020 and filed with the Village on October 16, 2020, and that the Village Clerk is directed to provide written notice of disallowance as required by Section 893.80(1g), Wis. Stat. and without waiving any and all immunities under the law including but not limited to quasi-legislative immunities under Sec. 893.80(4), Wis. Stat., and any and all defenses, procedural and substantive, of the Village as allowed by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 7th day of December, 2020.

**VILLAGE OF CALEDONIA**

By:   
James R. Dobbs  
Village President

Attest:   
Karie Pope  
Village Clerk

NOTICE OF DISALLOWANCE  
REGARDING THE NOTICE OF CLAIM  
SUBMITTED BY MARK AND SUSAN GRACYALNY

TO: Attorney Thomas M. Devine  
Devine Hahn, S.C.  
840 Lake Avenue, Suite 300  
Racine, Wisconsin 53403

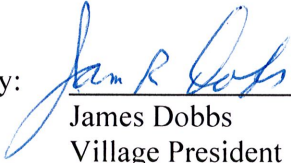
PLEASE TAKE NOTICE THAT, by the formal action of the Village Board of the Village of Caledonia, taken on the date of December 7, 2020, the Notice of Claim, attached hereto as Exhibit A, was disallowed, pursuant to the provisions of Section 893.80 of the Wisconsin Statutes.

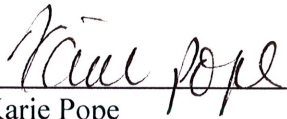
As required under the provisions of Section 893.80(1g) of the Wisconsin Statutes, you are hereby notified that Mark and Susan Gracyalny have a time period of Six (6) Months from the date of the service of this Notice of Disallowance upon you, as their legal counsel, in which to file a legal action based on the attached Notice of Claim (Exhibit A), or else any such legal action is barred by the provisions of that statute.

Section 893.80(1g) provides that this Notice of Disallowance be “served on the claimant by registered or certified mail and the receipt therefor, signed by the claimant, or the returned registered letter, shall be proof of service.”

The service of this Notice of Disallowance is being made upon you, as the legal counsel for Mark and Susan Gracyalny, based on that legal representation being so stated in Exhibit A. Please contact the Village of Caledonia Clerk, however, if you deem this service upon you, on behalf of the Gracyalnys, to be in error under Section 893.80(1g), Wis. Stats.

Dated: December 7, 2020

By:  \_\_\_\_\_  
James Dobbs  
Village President

Attest:  \_\_\_\_\_  
Karie Pope  
Village Clerk

SERVED: 10-16-2020 @ 11:40 *ml Bae*

**CLAIM FOR DAMAGES OF MARK AND SUSAN GRACYALNY  
PURSUANT TO WISCONSIN STATUTE SEC. 893.80(1)(a)**

**TO: VILLAGE OF CALEDONIA**  
Karie Pope, Clerk  
5043 Chester Lane  
Racine, WI 53402

**VILLAGE OF CALEDONIA WATER & SEWER UTILITY DISTRICT**  
Karie Pope, Clerk  
333 4 ½ Mile Road  
Caledonia, WI 53402

**NAME AND ADDRESS OF CLAIMANTS:**

Mark and Susan Gracyalny  
13140 4 Mile Road  
Franksville, WI 53126

**ATTORNEY FOR CLAIMANTS:**

Thomas M. Devine  
Devine Hahn, SC  
840 Lake Avenue, Suite 300  
Racine, WI 53403

Please take notice that Mark and Susan Gracyalny hereby provides the itemized claim for damages to the Village of Caledonia and Village of Caledonia Water & Sewer Utility District as follows:

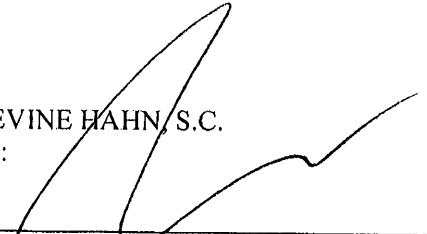
|                                    |                  |
|------------------------------------|------------------|
| 1) EverDry                         | \$22,000.00      |
| 2) Tear out and replace lawn-sod   | 5,500.00         |
| 3) Evergreen trees removal         | 6,800.00         |
| 4) Evergreens replaced/values      | 15,800.00        |
| - #1 - 36 feet replaced (3,600.00) |                  |
| - #2 - 34 feet replaced (3,400.00) |                  |
| - #3 - 40 feet replaced (4,000.00) |                  |
| - #4 - 48 feet replaced (4,800.00) |                  |
| 5) Equipment rental                | 500.00           |
| 6) Labor April 26 & 27 - 16 hours  | 1,200.00         |
| 7) Labor Sept 2020 - measure trees | 1,125.00         |
| 8) 3,200 feet dead trees           | 320,000.00       |
| 9) Remove and stump dead trees     | <u>18,300.00</u> |

**TOTAL \$391,225.00**

Dated October 15, 2020.

DEVINE HAHN, S.C.

By:



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Thomas M. Devine, No. 1017536  
Attorney for Mark and Sue Gracyalny

Mailing Address:  
840 Lake Avenue, Suite 300  
Racine, WI 53403  
Telephone (262) 632-7541