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November 9, 2012

The City of Loveland, State of Colorado
c/o John R. Duvall, City Attorney
500 East Third Street, Suite 330
Loveland, Colorado 80537

VIA CERTIFIED MAIL
7009 2820 0000 9136 9383

RE: Notice of Claim

This Notice is given by and behalf of Russell H. Morgan, 1976 Seven Lakes Drive, Loveland, Colorado 80538. Mr. Morgan's attorney is William H. Brown, of counsel to the law firm of Fischer, Brown, Bartlett & Gunn, P.C., 1319 East Prospect Road, Fort Collins, Colorado 80525.

The factual basis for the claim is as follows: The City of Loveland has allowed Timothy P. Reader, and/or his business entity, Master Metal Works, and/or his or its agents and/or employees, to construct an earthen berm or embankment ("berm") on his property, said property being located at 204 Southeast 12th Street, Loveland, Colorado 80537 (The "Morgan property"). That berm structure was placed on and within the stormwater drainage area that existed prior to the berm's construction, which stormwater drainage area had previously effectively allowed for the drainage of water from Mr. Morgan's property, being located at 1221, 1241, 1261 and 1281 South Cleveland Avenue, Loveland, Colorado 80537. The stormwater drainage area is generally the location of a utility easement, that would also include drainage facilities, established by the Re-Plat of Lots 5 & 6, Block 1 & Lot 2, Block 3 of South Loveland Industrial Park Addition to the City of Loveland Colorado, approved by the City in August of 1979. The Reader property referenced above is Lot 2E as shown on said re-plat. The Morgan property also is shown on that re-plat as Lot 3, Block 3.

Upon information of belief, it is asserted that the City of Loveland failed to either issue a building permit for the construction of the earthen berm and its subsequent blacktopping, or else to stop said construction, notwithstanding the fact that the City may have known, or in the exercise of reasonable care should have known, about the construction activity.

The constructed berm has blocked the flow of stormwater from and off of the Morgan property, as well as from upgradient stormwater flows from other properties that flow down to the Morgan property, causing stormwater to pond upon the Morgan property with resulting damage and/or potential damage to the pavement and commercial structures that are located on the Morgan property.

Upon information and belief, it is also asserted that the City of Loveland may now have issued a building permit, notwithstanding the fact that this would be subsequent to the completion of the construction of the earthen berm and its leveling and blacktopping.

Mr. Russell H. Morgan has brought this matter to the attention of Mr. Kevin Gingery, the Senior Civil Engineer of the City of Loveland, and also to Ms. Judy Schmidt, the Assistant City Attorney for the City of Loveland, and also to Mr. Tom Hawkinson, who is believed to be the Chief Building Official for the City of Loveland. These contacts were in an effort to get the City of Loveland to take appropriate action to cause the offending berm construction to be removed, at least to the extent necessary to re-open the drainage easement so that water can flow from and off of Mr. Morgan's property.

Upon information and belief, Mr. Morgan asserts that officials of the City of Loveland have failed to review, or properly review, the engineering report pertaining to the drainage from Mr. Morgan's property prepared by Dennis R. Messner, P. E., on behalf of Master Metal Works.

Upon information and belief, it is asserted that Master Metal Works is the business entity or tradename of Timothy P. Reader. If and to the extent officials of the City of Loveland did review said engineering report, they failed to require and obtain a proper survey of the Morgan property or no review was made. It is asserted and claimed that if the City of Loveland has issued a building permit it should not have done so because of the damage that would result to the Morgan property if the permitted construction occurred.

To date, Mr. Morgan is not claiming monetary damages, but does assert that the blockage of the City's drainage easement and the natural drainage easement of storm flows upon his property will result, due to future storms, in damage to his pavement and structures.

However, flooding of the Morgan property has previously occurred. Upon information and belief it is asserted that the berm was constructed sometime on or after June 1st, 2012, although the exact date when construction of the berm began and the exact date when construction of the berm and its leveling and paving was completed is not exactly known. The flooding of the Morgan property parking and storage area located between commercial buildings occurred on or after September 1, 2012, at dates and times during September and October of 2012, although the exact date or times of such flooding is also not exactly known at this time.

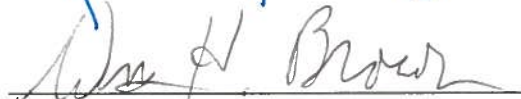
It is asserted that but for the actions or inactions of officials and representatives of the City of Loveland, Colorado, the infilling and resultant plugging of the City's utility easement and the natural drainage easement would not have occurred, or would not be allowed to continue to

exist, all to the damage and the potential damage and injury to Mr. Morgan and the Morgan property.

This Notice is given to comply with the applicable requirements of Section 24-10-109, Colorado Revised Statutes.



Russell H. Morgan



William H. Brown, #2088

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