

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 5, 2004

Michael E. Cesarec
7064 No. 40th St.
Milwaukee, WI 53209

RE: C.I. File No: 03-S-465

Dear Mr. Cesarec:

This office is in receipt of your claim in the amount of \$108.76, relating to damage sustained to your vehicle that you noticed on November 7, 2003 when you were driving on North 52nd St. – West of St. Joseph's Hospital.

Our investigation reveals that the Infrastructure Services Division records from November 7, 2002 to November 30, 2003 indicate that asphalt patching was conducted in this area as recently as November 13, 2003. Their records also indicate that between November 7, 2002 and November 30, 2003, they received three complaints for this area. On March 28, 2003 they received a call into their Call Center about a low water cut at 3069 North 52nd Street. This was patched with asphalt on April 2, 2003. On October 31, 2003 they received a call about potholes in the roadway along North 52nd Street between North Locust Street and North Burleigh Street. This area was patched on November 3, 2003. On November 7, 2003 at 9:14 a.m. they received a call about potholes in the roadway of the 3000 block of North 52nd Street. This area was patched on November 10, 2003. Upon notification of a hazard the division will send a repair crew to correct it usually within 24 hours. Prior to this complaint, the City had no notice of this hazard and because of this lack of notice, the City would not be liable. Accordingly, we are denying your claim.

Michael E. Cesarec
January 5, 2004
Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT E. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC: msb
1029-2003-3866:76328