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June 7, 2006

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Eisenberg, Weigel, Carlson,
Blau & Clemens, S.C.
On behalf of Elizabeth Crespo-Rivers
C.I. File No. 05-S-37

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Elizabeth Crespo-Rivera, 331-A West Washington Street, Milwaukee, WI 53204, alleges through her attorney, Eisenberg, Weigel, Carlson, Blau & Clemens, S.C., 3732 West Wisconsin Avenue, Suite 300, Milwaukee, WI 53208, that on December 3, 2004 she sustained injuries when she tripped and fell on an uneven part of the sidewalk located at 624 West Scott Street. They claim damages in the amount of \$28,546.38.

Our investigation reveals that the Infrastructure Services Division records from December 3, 2003 to December 31, 2004 indicate that they did not conduct any asphalt patching or receive any complaints for the sidewalks in the 600 block of West Scott Street. On March 1, 2005, after receipt of this claim, a Street Maintenance crew ramped with asphalt the sidewalk and carriage walk at 624 West Scott Street. When the division

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is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or correct the hazard. Prior to this, the City had no notice of this hazard and because of this lack of notice; the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
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MGT:beg
Enclosure
1029-2005-357:106357