

# 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

August 23, 2004

Shirley Frazier  
6037 North 62nd Street, #3  
Milwaukee, WI 53218

RE: Shirley Frazier  
C.I. File No: 04-S-241

**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

Dear Ms. Frazier:


This office is in receipt of your claim in the amount of \$421.00, relating to damage sustained to your vehicle's rims and tires on or about July 18, 2004 where you allege you hit a pothole in the roadway at North 61<sup>st</sup> Street, near West Thurston.

Our investigation reveals that Infrastructure Services Division (ISD) reviewed their records and the records of the DPW "Call Center" for the period February 1, 2003 to July 18, 2004. Their review noted they did not conduct any asphalt patching along the 6100 block of West Thurston Avenue or the 5600 block of North 61<sup>st</sup> Street. The "Call Center" records indicated there were no complaints for this period in the subject area. The ISD patched a pothole with asphalt on July 30, 2004 in the eastbound lane of West Thurston Avenue at North 61<sup>st</sup> Street. When the ISD is notified of a hazard in the roadway a crew is sent to investigate and/or patch the hazard. Prior to your loss the City had no notice of this defect and because of this lack of notice, it cannot accept liability. Accordingly, we are denying your claim.

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 F. LANGLEY**  
City Attorney

  
**ROBERT M. OVERHOLT**  
Investigator Adjuster

RMO:beg  
1029-2004-2119:84043