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September 19, 2006

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

Re: Resolution relating to the claim of Margaret McCain
C.I. File No. 06-S-227

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, Margaret McCain, 2720 North 21st Street, Milwaukee, WI 53206 alleges that on June 7, 2006 she sustained injuries when she tripped and fell on an uneven part of the sidewalk located in front of her home. She claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division records from June 7, 2005 to June 30, 2006 indicate that they did not conduct any asphalt patching or receive any complaints for the sidewalks or roadway along the 3700 block of North 21st Street. On August 27, 2006, after receipt of this claim, a Street Maintenance crew shimmed with asphalt the carriage walk in front of 3720 North 21st Street. When the division is notified

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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
Assistant City Attorney

MGT:beg
Enclosure
1029-2006-2164:109901