

June 3, 2005

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

Re: Communication from American Family Insurance
On behalf of Alfredo Martinez
C.I. File No. 04-L-162

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, Alfredo Martinez, 2479 South 12th Street, Milwaukee, WI 53215, alleges through American Family Insurance, by its representative Joel J. Rogers, Post Office Box 2927, Milwaukee, WI 5301-2927 as subrogee that on September 18, 2004 a City stop sign was missing from the intersection of South 9th Place and West Arthur Avenue; as a result the claimants' vehicle entered the intersection at 6:20 p.m. without stopping and was hit and damaged by another vehicle. They claim damages in the amount of \$8,114.42.

Our investigation reveals that the Infrastructure Services Division records indicate that they were notified at 7:09 p.m. on September 18, 2004 that a northbound stop sign at the intersection of South 9th Place and West Arthur Avenue was missing. A crew was dispatched to install a

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temporary stop sign. A permanent sign was installed on September 23, 2004. When the division 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
Assistant City Attorney

MGT:beg
Enclosure1029-2004-3632:93743