

CITY OF MILWAUKEE

Form CA-43

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September 6, 2005

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

RE: Communication from Mark Zera
C.I. File No: 05-L-108

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, Mark Zera, 3407 South 15th Place, Milwaukee, WI 53215 alleges that on February 4, 2005, he sustained injuries when he fell on a City sidewalk at 3350 South 15th Street. He claims damages in the amount of \$21,000.00.

Our investigation reveals the Infrastructure Services Division-Field Operations (ISD) reviewed their records and the records of the DPW "Call Center" for the period February 4, 2004 to February 28, 2005. The ISD records reflected they did not conduct any asphalt patching along the 3300 block of South 15th Street during said period. On May 16, 2005 the ISD shimmed any offsets along the sidewalks in the 3300 block of South 15th Street with asphalt. The "Call Center" records for this period noted one complaint was received on April 16, 2004. The complaint regarded an offset along the sidewalk at 3373 South 15th Street. In investigation noted

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no asphalt patching was required. When the ISD is notified of any hazard along the 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
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JAS:beg
Enclosure
1029-2005-1797:96282