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September 21, 2012

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

Re: Resolution Relating to the Claim of Nettie James  
C.I. File No. 10-S-356

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, Nettie James, 3424 North 46<sup>th</sup> Street, Milwaukee, WI 53216, alleges through her attorney, Weigel, Carlson, Blau & Clemens, S.C., 3732 West Wisconsin Avenue, Suite 300, Milwaukee, WI 53208, that on July 29, 2010 she was injured when she fell into a depression on/near the sidewalk at 5042 North 19<sup>th</sup> Place, that had been caused by a City Public Works truck which was working on a water main. They claim damages in the amount of \$30,369.00.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on July 23, 2010 their distribution division was engaged in activity to reset a service box at 5043 North 19<sup>th</sup> Place. This box was located on the other side of the street. Their crew did not make any repairs to the water main, which is located in the roadway.

The Infrastructure Services Division (ISD) records indicate that Street Maintenance did not have any crews performing work along the 5000 block of North 19<sup>th</sup> Place in 2010. In addition, Sewer Maintenance did not receive any complaint of a cave in near 5042 North 19<sup>th</sup> Place in July, 2010. They also did not have any work in this area. Finally, the Department of Neighborhood Services (DNS) records indicate that on July 23, 2010 they visually inspected the condition of the structure at 5042 North 19<sup>th</sup> Place and there was a discussion between the owner and inspector. On August 5, 2012 the DNS returned to post a copy of Raze Orders at the property. They had not commenced any demolition, construction or site altering activities at this location.

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There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

PATRICIA A. FRICKER  
Assistant City Attorney

PAF:ms  
Enclosure  
1048-2010-2817:184675