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March 24, 2008

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

Re: Resolution relating to the claim of John & Amy L. Sanheim  
Through their attorney, Habush, Habush, & Rottier, S.C.  
C.I. File No. 05-S-299

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.

Claimants, John and Amy L. Sanheim, 3319 South 75<sup>th</sup> Street, Milwaukee, WI 53219 allege on their own and also through their former attorney, Habush, Habush & Rottier, S.C, Firstar Center Suite 2300, 777 East Wisconsin Avenue, Milwaukee, WI 53202-5381 that on July 28, 2005 she sustained injuries when she tripped and fell at a location where level sidewalk adjoins a sloping ramp in the vicinity of Water Street and Mason Street. They claim damages in the amount of \$59,573.28.

Decisions concerning the adoption, design, and implementation of a public works system are discretionary, legislative decisions for which municipalities enjoy immunity. *MMSD v. City of Milwaukee* 2005 WI 8, ¶ 9. As such, the City of Milwaukee is not liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2005-2678/130057