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October 24, 2006

Matthew Fisher
5817 West Rogers Street
West Allis, WI 53219

RE: Matthew Fisher
C.C. File No: 06-S-262

Dear Mr. Fisher:

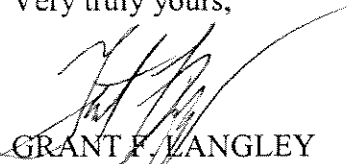
We have received your claim in the amount of \$323.64, relating to damage allegedly sustained to your vehicle on August 28, 2006 when it collided with a pothole while you were traveling westbound at 25th Street and Pierce Street.

Our investigation reveals that the Infrastructure Services Division (ISD) records from August 29, 2005 to September 30, 2006 indicate that they conducted asphalt patching along the 2400 and the 2500 blocks of West Pierce Street as recently as September 20, 2006. Their records also indicate that between August 28, 2005 and September 15, 2006 they received three complaints for the roadway along either the 2400 and 2500 blocks of West Pierce Street. On September 27, 2005 the Call Center received a call from a resident about a pothole in the roadway at 2437 West Pierce Street. This was patched the next day. On April 28, 2006 they received a call from a resident about a pothole in the roadway at 2515 West Pierce Street. This was patched on May 4, 2006. On August 22, 2006 at 7:43 p.m. the City Hall Operator contacted a Street Maintenance employee regarding settlement in a contractor's trench at 2500 West Pierce Street. The employee placed a barricade at this location the same night. The settlement was taken care of by a contractor at a later date. You filed this claim on September 7, 2006. After receipt of the claim, the ISD conducted a site inspection. It revealed that a pothole adjacent to a manhole had been recently patched with asphalt. This had been done by the ISD on September 20, 2006 and was in response to a September 14, 2006 request from an ISD District Manager. When the division is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or patch the hazard. Prior to this claim, the City had no notice of this hazard in the roadway and because of this lack of notice the City would not be liable. Therefore, we are denying your claim.

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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. VANGLEY
City Attorney

Steven M. Carini
STEVEN M. CARINI
Investigator Adjuster

SMC:beg
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