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January 11, 2011

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

Re: Resolution Relating to the Claim of Joyce Robinson  
C.I. File No. 10-L-144

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, Joyce Robinson, P.O. Box 928, Milwaukee, WI 53201, alleges that on July 7, 2010, her vehicle was damaged when it struck an upside down sewer manhole cover at 3903 North Hopkins Street which she claims was at a Milwaukee Water Works worksite. She claims damages in the amount of \$5,445.10.

Our investigation reveals that the Sewer Maintenance Section (SMS) reviewed their records and found no record of any complaints relative to this incident. After the filing of the claim, the SMS also conducted a site investigation and found all of their facilities were in place and secure at that time.

The Milwaukee Water Works (MWW) also reviewed their records and found they had not performed any work or had any water main breaks in this area in 2010, up through the time of the incident, and was thus not working at the site at the time of the accident. A MWW work crew did, however, come upon Ms. Robinson after the accident had already occurred. The crew found the flipped manhole cover and then returned it to its original position.

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As the City had no notice of this condition prior to the accident, it cannot be held liable.  
We therefore recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

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JAS:ms  
Enclosure

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