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November 24, 2009

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

Re: Resolution Relating to the Claim of Anita Ford
Through her attorney, Jerome Konkol
C.I. File No. 08-L-18

Dear Council Members:

We return the enclosed document which as been filed with the City Clerk and ask that it be introduce and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Anita Ford, 3205 West Wisconsin Avenue, Milwaukee, WI 53208 alleges through her attorney, Jerome Konkol, 1110 North Old World Third Street, Suite 405, Milwaukee, WI 53203, that on January 7, 2008, she sustained injuries when a vehicle she was a passenger in struck a ditch in the roadway at/near North 32nd Street and West Wisconsin Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed their records relative to this incident. They found that they responded to a request from the City Hall Operator regarding this situation. The site was found to be a contractor's work area and their steel plate had shifted. When the ISD received the initial call of this incident, they were advised there was a hole in the roadway. They responded with a "pothole" truck, but found they needed their "barricade" truck. The responding ISD employee remained on scene until the Milwaukee Police had arrived on scene and took control of the site. The ISD subsequently barricaded the area and contacted the contractor. The review further found that Time Warner Cable Telecom, 3235 Intertech Drive, Room 600, Brookfield, WI 53045, (262) 894-1175, was issued Public Way Permit 200723-0399 for work in this area. In addition, Ken Becker & Sons, Inc., 11715 West Silver Spring Road, Milwaukee, WI 53225, (414) 462-4826, was also issued Public Way

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Permit 200724-0017 for work here as well. Since the City was not engaged in this excavating activity, responded promptly when notified of a problem in the roadway, and took appropriate measures to protect the public from the hazard, it cannot accept liability and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2008-557:149702