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February 16, 2011

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

Re: Resolution Relating to the Claim of Tyrone Diggs  
C.I. File No. 10-L-156

Dear Council Members:

We return the enclosed documents 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, Tyrone Diggs, 3935 North 19<sup>th</sup> Street, Milwaukee, WI 53206, alleges that his vehicle was allegedly damaged when it struck potholes in the roadway along the alley behind 3935 North 10<sup>th</sup> Street, along West Elm Street, between North Teutonia Avenue and West Mill Road and North Green Bay Avenue and Cornell Street around the end of 2009. He seeks damages in the amount of \$7,373.73.

Our investigation reveals that Mr. Diggs filed his claim on November 15, 2010. Wisconsin Statute § 893.80 (1)(a) requires that a claim must be filed within 120 days of the happening of the event giving rise to the claim. This claim was not timely filed.

Our investigation further revealed the Infrastructure Services Division (ISD) reviewed their records relative to these alleged loss locations. The ISD had no complaints for the alley behind 3935 North 10<sup>th</sup> Street and it responded to any known hazard at the other loss locations. Since this claim was not timely filed and ISD followed its standard procedures in this matter, we recommend denial of this claim.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

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Assistant City Attorney

JAS:ms  
Enclosure  
1029-2010-3165:166328

**OFFICE OF THE CITY ATTORNEY**