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October 4, 2011

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

Re: Resolution Relating to the Claim of VINCENT G. TONEY
C.I. File No. 11-L-53

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, Vincent G. Toney, 2721 West Roosevelt Drive, Milwaukee, WI 53216, alleges that on March 10, 2011 he sustained injuries when he slipped and fell on an icy and snow covered City sidewalk located at the southeast side/end of 2319 East Kenwood Boulevard. He claims damages in the amount of \$250,403.26.

Our investigation reveals that pursuant to Wisconsin Statutes § 893.83(1) the accumulation of ice and snow did not exist for the requisite twenty-one days. As such, the City of Milwaukee cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1058-2011-1892:174261