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October 11, 2021

*Mailed  
10/21/2021*

Ms. Sarah Burns  
1831 West Fairmount Avenue  
Milwaukee, WI 53209

RE: Communication from Sarah Burns  
C.I. File No. 1029-2021-582

Dear Ms. Burns:

We have received your claim in the amount of \$741.08 from a loss on February 2, 2021.

The Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for damages.

The Infrastructure Services Division (ISD) – Streets indicates that the curb area is not part of the pavement for vehicles to travel upon. They also reviewed their records and those of the DPW Call Center relative to this incident. They found that on January 29, 2021 the Call Center received one call regarding a pothole at 5600 North Teutonia Avenue. The ISD patched this site on February 12, 2021. The ISD followed proper procedure and was acting within the City's discretion.

The ISD - Sewers indicates that prior to receipt of this claim, they had no records regarding this location. After receipt, they dispatched their Sewer Field Investigator to check the condition of the storm inlet. The frame and grate were found to be in good condition.

The City was not negligent. As such, it cannot accept liability. Therefore, we are denying your claim.

COPY



Ms. Sarah Burns  
October 11, 2021  
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If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



TEARMAN SPENCER  
City Attorney

*Steven M. Carini*

STEVEN M. CARINI  
Investigator/Adjuster

SMC/cdr

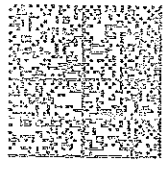
c: Tom Wangerin (ISD – Streets)  
Robert Brooks (ISD – Sewers)

1029-2021-582/276964

**CITY OF MILWAUKEE**  
**Office of the City Attorney**  
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PRESORTED  
FIRST CLASS



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