

CITY OF MILWAUKEE

Form CA-43

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May 18, 2004

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

Re: Communication from Attorney Martin R. Stein, Safer & Stein
Law Firm, S.C.
on behalf of Sherry Ann Urbaniak
C.I. File No. 03-L-104

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.

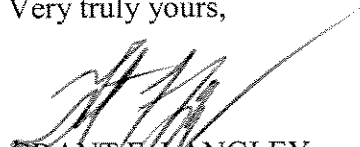
Claimant, Sherry Ann Urbaniak, 9545 West Oklahoma Avenue, Milwaukee, WI 53227, alleges through her attorney, Martin R. Stein, Safer & Stein Law Firm, S.C., 9001 North 76th Street, Suite 310 that on August 2, 2003 she sustained injuries when she tripped and fell in the 9400 block of West Oklahoma Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals the Infrastructure Services Division records from August 2, 2002 to August 15, 2003 note they conducted one asphalt patching operation in this area. Street Maintenance crews patched the sidewalks on the south side of the 9300 and 9400 block of West Oklahoma Avenue with asphalt on August 11, 2003. The "Pothole Records" for this period reflect 2 complaints that were both called in on August 6, 2003. When the division is notified of

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a hazard in the roadway or sidewalk a crew is sent to investigate and/or patch the hazard. Prior to this loss the City had no notice of this defect, and because of this lack of notice, it cannot accept liability. Accordingly, we recommend denial of this claim.

Very truly yours,



GRANT E. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2003-2640:81056