

February 26, 2003

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

Re: Communication from Lowe Law Offices, S.C.
on behalf of Margaret Ann & George Kalt
C.I. File No. 01-L-122

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.

Claimants, Margaret Ann and George Kalt, 3395 Kaleta Drive, Eagle River, WI 54521, allege through their attorney, Lowe Law Offices, S.C. 11616 West North Avenue, Suite A, Wauwatosa, WI 53226, that on April 11, 2001, she sustained injuries when she fell on an eroded area bordering the roadway located at South 53rd Street and West Oklahoma Avenue. They claim damages in the amount of \$100,000.00.

Our investigation reveals that the Infrastructure Services Division records from April 11, 2000 to April 11, 2001 show no complaints of road defects in the area where the claimant indicated she fell. After receipt of this claim, they patched with asphalt the edge of the roadway and placed an asphalt patch in the northbound lane in the 3000 block of South 53rd Street. Upon notification of a defect the division will send a repair crew to correct a

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hazard usually within 24 hours. Prior to this complaint, the City had no notice of this defect and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2001-2506 & 2506.001:64468