

CITY OF MILWAUKEE

Form CA-43

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December 14, 2004

Cynthia Barbosa
4735 North 18th Street
Milwaukee, WI 53209

RE: Cynthia Barbosa
C.I. File No: 04-S-242

Dear Ms. Barbosa:

We have received your claim in the amount of \$315.74, relating to damage sustained to your lawn mower on June 5, 2004 when it allegedly struck a water meter sticking out of the ground at 4735 North 18th Street.

Our investigation reveals that the Milwaukee Water Works repaired a service leak in the area of 4735 North 18th Street on August 28, 2002. All of the necessary repairs were completed and the Water Works left the area by August 30, 2002. The Infrastructure Services Division records indicate that on September 25, 2003 they replaced the curb at 4735 North 18th Street. Asphalt repairs in front of the curb were completed on September 29, 2003. The division then placed topsoil directly behind the new curb. They did not disturb the area around the stop box. Their repairs were confined to the curb area and just enough room to place a form at the back of the curb, approximately 12" from the back face of the curb. They did not receive any complaints regarding this repair work or receive any notice of settlement in the tree border area. The Water Works had no record of any complaints or problems with the stop box until June 18, 2004 when a resident requested repairs to it. They responded and made adjustments to the stop box that same day. Prior to this complaint, the City had no notice of this hazard and because of this lack of notice, the City would not be liable. Therefore, we are denying your claim.

Cynthia Barbosa
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney

Steven M. Carini
STEVEN M. CARINI
Investigator Adjuster

SMC:beg
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