

August 23, 2004

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

Re: Communication from Florence Scott
C.I. File No. 04-L-81

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, Florence Scott, 2928 North 23 Street, Milwaukee, WI 53206-1647, alleges that on April 29, 2004, she sustained injuries when she tripped and fell due to a hole in the road across from 2928 North 23rd Street. She claims damages in the amount of \$9,889.75.

Our investigation reveals that the Infrastructure Services Division records from April 29, 2003 to May 15, 2004 indicate that they did not conduct asphalt patching along the 2900 block of North 23rd Street. Their records also indicate that between April 29, 2003 and May 15, 2004 they did not receive any complaints of road defects in this area. When the division is notified of any hazard in the roadway they will send a crew to investigate

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and/or patch the hazard. 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. 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
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