

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
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MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

November 30, 2006

Mr. Robert Mentzel
Ravenswood Auto Center, Inc.
9152 West Bluemound Road
Milwaukee, WI 53226

RE: Ravenswood Auto Center, Inc.
C.I. File No. 06-S-196

Dear Mr. Mentzel:

We have received your claim in the amount of \$3,917.38, relating to damage allegedly sustained to five vehicles parked at your location on June 21, 2006 when a City of Milwaukee crew was cutting concrete in the roadway at 92nd Street and Bluemound Road.

Our investigation reveals that the Infrastructure Services Division indicates that on June 21, 2006 a Street Maintenance crew was working along West Bluemound Road between North 90th Street and North 92nd Street. They were routing cracks in the asphalt pavement to prepare it for crack filling.

This involves using a router with a saw blade to make the cracks deeper or cut a groove in the pavement so that the crackfill material can penetrate the asphalt pavement and create a better seal to keep water out. The router is self-propelled but is guided by an operator. There is a guard that goes over the blade and there are metal chains which hang from the blade to the ground. The operator stands behind the machine and guides it forward. The router does create dust during the cutting of the pavement but there are little or no stones created. Any stones that might fly out would hit the operator. During the construction season these machines are operated daily. We have never received a complaint about stones damaging any vehicles but there have been complaints about the dust. In addition, while conducting this operation, "No Parking" signs are posted on streets.

On June 21, 2006, a supervisor did respond to a call from you regarding this situation. His observations were that the vehicles had dust on them from our router but any dings appeared to be from normal vehicle use. He did not believe that there was any major damage from our operation and that a car wash would have removed the dust. There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we are denying your claim.

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date 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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