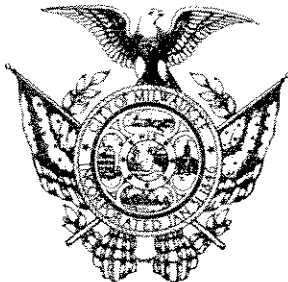


CITY OF MILWAUKEE

Form CA-43

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September 6, 2005

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

Re: Communication from Figueroa & Jackson, LLC
On behalf of Warnette Hunter
C.I. File No. 04-S-229

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, Warnette Hunter, 4326 West Keefe Avenue, Milwaukee, WI 53216, alleges through her attorney, Figueroa & Jackson, LLC, the Pettibone Mansion, 2051 West Wisconsin Avenue, Milwaukee, WI 53233, that on March 13, 2004 she sustained injuries when she stepped into a hole in the roadway at the bus stop located at or near North 60th Street and West Fond du Lac Avenue. They claim damages in the amount of \$133,718.10.

Our investigation reveals that the Infrastructure Services Division records from March 13, 2003 to March 31, 2004 indicate that they conducted asphalt patching along North 60th Street near West Fond du Lac Avenue on two occasions; both were after this loss. Their records also indicate that between March 13, 2003 and March 30, 2004 they did not receive any complaints of road defects for North 60th Street near West Fond du Lac Avenue. On July 30, 2004, after receipt of this claim, a Street Maintenance crew patched a small section of roadway and curbs at


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the bus stop on North 60th Street just south of West Fond du Lac Avenue. When the division is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or correct the hazard. Prior to this, the City had no notice of this hazard and because of this lack of notice; the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2004-2025:96286