

May 13, 2003

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

Re: Communication from attorney Lynn Ellen Hackbarth
on behalf of Penney Lee Walden
C.I. File No. 03-L-60

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, Penney Lee Walden, 2200 North Martin Luther King Drive, Apartment 1335, Milwaukee, WI 53212 alleges through her attorney Lynn Ellen Hackbarth, 808 North Old World Third Street, Suite 625, Milwaukee, WI 53203, that on January 4, 2003 she tripped and fell at or near North 2nd Street and West Wisconsin Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals the claimant allegedly tripped and fell on the metal cover of a street walk basement located in the sidewalk area of the 700 block of North 2nd Street. The Infrastructure Services Division did not receive any complaints between January 2, 2002 and January 31, 2003 regarding this area. Upon receipt of this claim, street maintenance crews placed a barricade on the metal cover and patched the sidewalks in the area with asphalt. The City is not responsible for maintenance of street walk basements or their metal covers. This responsibility lies with the property owner pursuant

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to §245-5 of the Milwaukee Code of Ordinances. Since the City is not responsible for this portion of the sidewalk and it did not have prior notice of this condition, it cannot accept liability for this loss. 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
1029-2003-1328:67494

c: Attorney Lynn Ellen Hackbarth
808 North Old World Third Street, Suite 625
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