**GRANT F. LANGLEY** City Attorney

MIRIAM R. HORWITZ ADAM B. STEPHENS MARY L. SCHANNING JAN A. SMOKOWICZ Deputy City Attorneys



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August 8, 2018

Brett Grasse 2911 E. Hampshire Avenue Milwaukee, WI 53211

RE:

C.I. File No. 1029-2018-1595

Communication from Brett Grasse

Dear Mr. Grasse:

Mailed 8/8/18

We are in receipt of your claim for damages sustained to your 2011 Mercedes Benz in the amount of \$1,251.57, which resulted from striking a pothole in the vicinity of North Green Bay Road and West Capitol Drive on June 30, 2018.

Wisconsin municipalities have discretionary immunity from liability for any damages that are due to a defect in a sidewalk or street. The City takes any report of defective streets or sidewalks seriously and upon notice of the defect, the Department of Public Works sends a crew to investigate and /or patch, repair, or barricade the hazard. Under discretionary immunity, the City is generally not liable for the damages.

The Infrastructure Services Division (ISD) conducted and concluded their investigation into this matter by reviewing their records along with the records of Public Works Call Center relative to this incident. Their investigation revealed that we had prior knowledge of a hazard, and it was patched in the roadway in the vicinity of North Green Bay Road and Capital prior to and after June 30, 2018.

In light of the City's discretionary immunity and that ISD followed their normal procedures and the City was acting within its discretion as to repairs of newly reported and previously repaired potholes, we are denying your claim for damages.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.



SUSAN E. LAPPEN

**ELLEN H. TANGEN** 

KATHRYN Z. BLOCK

KEVIN P. SULLIVAN THOMAS D. MILLER

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PATRICIA A. FRICKER

HEIDI WICK SPOERL **GREGG C. HAGOPIAN**  Brett Grasse August 8, 2018 Page 2

Very truly yours,

GRANT F. ANGLEY

City Attorney

BENJAMIN M. BALDWIN

Investigator Adjuster

BMB:mal

C: Jeffrey **\( \frac{1}{2} \)**. Polenske (Infrastructure)

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