

CITY OF MILWAUKEE

Form CA-43

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January 5, 2004

Tirza Medina
2100 West Becher Street
Milwaukee, WI 53215

RE: C.I. File No: 03-S-428

Dear Ms. Medina:

This office is in receipt of your claim in the amount of \$2,000.00, relating to injuries you sustained from falling at/about 2000 West Wisconsin Avenue on September 17, 2003.

Our investigation reveals that the Infrastructure Services Division conducted asphalt patching on April 29, 2003 in the westbound roadway at 2042 West Wisconsin Avenue. They further checked their records from September 17, 2002 to September 30, 2003 for the area in question and found two complaints regarding this area. The first was a pothole that developed on or about April 25, 2003 and was patched with asphalt on April 29, 2003. The other was a complaint on June 26, 2003 that dealt with ruts in the roadway near the bus stop. The work on the ruts was delayed until November 6, 2003 due to the unavailability of equipment to repair the situation. A street repair district manager conducted a field investigation on November 17, 2003 regarding the allegation of gravel on the sidewalk. He did not observe any gravel on the sidewalk at this location. It was noted, there is a large elevated lawn with an adjacent driveway. There was also evidence of soil erosion along the driveway. On November 14, 2003, the division patched two sidewalk squares with offsets as a result of this claim. Upon notification of a hazard along a sidewalk, the division will send a crew to investigate and/or patch the hazard. Prior to this complaint, the City had no notice of any defect along the sidewalk and because of this lack of notice, the City of Milwaukee cannot accept liability for your loss. Accordingly, we are denying your claim.

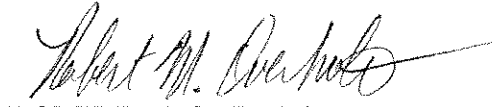
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Ms. Medina
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT FLANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO: msb
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