

March 1, 2005

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

Re: Communication from attorney Kersten & McKinnon, S.C.
On behalf of Bulah M. Brimmer
C.I. File No. 04-L-141

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, Bulah M. Brimmer, 3470 West Green Tree Road, Milwaukee, WI 53209, alleges through her attorney, Kersten & McKinnon, S.C., 735 North Water Street, Suite 630, Milwaukee, WI 53202, that on August 31, 2004 she sustained injuries when she fell on an uneven part of the sidewalk near North 20th Street and West Wisconsin Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division records from August 31, 2002 to September 15, 2004 indicate that no complaints of any sidewalk defects have been reported for this area. During 2002 there was a State of Wisconsin DOT reconstruction project along West Wisconsin Avenue between North 12th Street and North 20th Street. The contractor did not notify the Street Maintenance Section of any offsets south of their work area. In addition, the Construction Section was unaware of any offsets along North 20th Street south of Wisconsin Avenue. Upon receiving a notice of this claim, a Street Maintenance crew patched the location with asphalt on December 1, 2004. When the division is notified of any hazard along a sidewalk

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they will send a crew to investigate and/or patch the hazard. Prior to this complaint, 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

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-3275:90471