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September 17, 2007

Robert L. Walters
2122 East Bradford Avenue
Milwaukee, WI 53211

RE: Robert L. Walters
C.I. File No: 07-S-298

Dear Mr. Walters:

We have received your claim in the amount of \$666.32, relating to damage allegedly sustained to your vehicle on June 20, 2007 when it collided with a hole in the road on North Avenue just west of the bridge.

Our investigation reveals that the Infrastructure Services Division Services (ISD) records from June 20, 2006 to June 30, 2007 indicate that they conducted asphalt patching along East North Avenue east of North Humboldt Avenue as recently as June 28, 2007. Their records also indicate that between June 22, 2006 and June 30, 2007 they received two complaints for the roadway in this area. On June 21, 2007 the Call Center received a call about a pothole on East North Avenue east of North Humboldt Avenue; an inspection revealed that this was a contractor cut. A Department of Public Works representative contacted Wisconsin Electric Power about this. On June 26, 2007 the Call Center received a call about a pothole in this same area; an inspection revealed that this was also a contractor cut. A Street Maintenance crew patched this location on June 28, 2007, after Wisconsin Electric Power or one of their subcontractors had not acted. When the ISD is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or patch 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 are denying your claim.

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

Very truly yours,



GRANT E. LANGLEY
City Attorney

Steven M. Carini
STEVEN M. CARINI
Investigator Adjuster

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