

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM STEPHENS

Assistant City Attorneys

September 19, 2005

James Gradel
19930 West Fesentrun Drive
New Berlin, WI 53146

RE: James Gradel
C.I. File No: 05-S-248

Dear Mr. Gradel:

We have received your claim in the amount of \$215.43, relating to damage sustained to the right front tire of your vehicle on April 27, 2005 where you allege you drove over a protruding section of concrete located at or near North 76th Street and West Calumet Road.

Our investigation reveals the Infrastructure Services Division-Field Operations (ISD) reviewed their records and the records of the DPW "Call Center for the period April 27, 2004 to May 15, 2005. The ISD records reflected they conducted asphalt patching in the subject area on January 26, 2005 for a low water cut in the roadway. They also patched any potholes in the roadway at this location on May 4, 2005. The records also noted they patched a low area behind the curb at the northwest corner with topsoil on October 4, 2004. The "Call Center" records reflected they received three complaints during this time period. Two of the complaints dealt with the low spot in the roadway that was repaired on January 26, 2005 and the third complaint referenced the low area behind the curb. The ISD did not have prior knowledge of this alleged hazard at this location prior to April 27, 2005. When the ISD is notified of a hazard in the roadway they will send a crew to investigate and or patch the hazard. Prior to this, the City had no notice of this hazard in the roadway 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



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
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