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February 23, 2011

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

Re: Resolution Relating to the Claim of Midwest Fiber Networks  
C.I. File No. 11-L-19

Dear Council Members:

We return the enclosed documents 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, Midwest Fiber Networks, by Joel Bojarski, Operations Manager, 3701 West Burnham Street, Suite C, Milwaukee, WI 53215, allege that on October 28, 2010 their fiber was damaged by a City contractor at North 3<sup>rd</sup> Street and West Chamber Street. They claim damages in the amount of \$23,490.00.

Our investigation reveals that the Infrastructure Services Division records indicate that the Department of Public Works – Infrastructure Services Street Maintenance did not have any maintenance projects along North Dr. Martin Luther King, Jr. Drive (North 3<sup>rd</sup> Street) at West Chambers Street in October, 2010. The reconstruction of North Dr. Martin Luther King, Jr. Drive between West McKinley Avenue and West Burleigh Street is a State of Wisconsin paving project, State ID No. 2984-03-70. Their contact information is the **State of Wisconsin Department of Transportation, District 2, Attention: Jason Roselle, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187-0798**. The contractor involved is **Payne & Dolan, Inc., N3 W3650 Badinger Road, P.O. Box 781, Waukesha, WI 53187**. Since the City is not involved with the project, it cannot accept liability. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
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Enclosure  
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