

January 6, 2004

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

RE: Communication from Attorney Hazel Washington
on behalf of Cassandra White
C.I. File No: 02-S-18

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, Cassandra White, 2972 North 74th Street, Apt. 4, Milwaukee, WI 53210-1016 alleges through her attorney Hazel Washington, 8500 West Capitol Drive, Suite 201, Milwaukee, WI 53222 that on November 28, 2001 she sustained injuries when she fell while walking along West Capitol Drive near North 19th Street. They claim damages in the amount of \$202,461.21.

Our investigation reveals the Infrastructure Services Division (ISD) conducted numerous asphalt patching operations in the roadway from November 28, 2000 to November 28, 2001 for the area in question. The review of their “pothole records” for the period November 1, 2000 to November 30, 2001 revealed no complaints for the corner of North 19th Place, North 19th Street and West Capitol Drive. The division conducted a site investigation and found the curb along West Capitol Drive is not broken or damaged; however, there was some curb settlement near the bus stop. They also noted some settlement in the grass tree border area, East of the bus shelter. On the West side of the shelter there was a concrete slab that had an offset. The division found no “torn or defective curb” or defective roadway as noted in the claim filed by Ms. White. The ISD indicated there is a catch basin located along North 19th Place, which was repaired in August 2001. A section of the curb was removed to facilitate its repair. A temporary asphalt curb was constructed until permanent repairs were made in the 2002 construction season. The ISD also

To the Honorable Common Council
January 6, 2004
Page 2

shimmed the sidewalk area with asphalt in this location. Upon notification of a hazard in the roadway 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 at this location and because of this lack of notice, the City of Milwaukee would not be liable. Accordingly, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:msb
Enclosure
1029-2002-122/76347