

EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
NAOMI E. SANDERS
JULIE P. WILSON
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
ANDREA J. FOWLER
JOANNA FRACZEK
HANNAH R. JAHN
MEIGHAN M. ANGER
ALEXANDER R. CARSON
GREGORY P. KRUSE
ALEX T. MUELLER
ALEXANDER D. COSSI
KATHERINE A. HEADLEY
SHEILA THOBANI
STACY J. MILLER
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
TRAVIS J. GRESHAM
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
TYLER M. HELSEL
ZACHARY A. HATFIELD
MEGHAN C. MCCABE
CYNTHIA HARRIS ORTEGA
OLUWASEUN CHRIS IBITOYE
KEVIN P. TODT
NATHANIEL E. ADAMSON
MATTEO REGINATO
JOSHUA B. CRONIN
ROBERT W. SANDERS
ELIZABETH K. MILES
LAURI A. ROLLINGS
Assistant City Attorneys

January 13, 2026

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

RE: Communication from PAYTON REZNER
C.I. File No. 2025-002074

Dear Council Members:

Payton Rezner submitted a vehicle damage claim, which he alleges, was caused by a manhole cover while his vehicle was parked on August 10, 2025 at or near address 2829 South Howell Avenue. Mr. Rezner alleges that he discovered a hole in the roof of his vehicle with significant damage to the driver's side interior. Mr. Rezner is seeking a reimbursement of \$5,435.84.

According to the Department of Public Works – Sewers (DPW) report, on August 10, 2025 the DPW field investigator immediately responded to a missing lid complaint at 2829 South Howell Avenue, securing the manhole lid.

Additionally, August 10, 2025 the City of Milwaukee experienced torrential rain and thunderstorms with an accumulation of 14.55 inches of water. DPW records also indicate no other prior calls were received regarding this or any other City sewer manhole cover in this area. State law relative to road defects changed significantly following the adoption of 2011 Wisconsin Act 132, which deleted so much of Wis. Stat. 893.83 as previously imposed liability upon municipalities for all road defects. Under current state law, municipalities are only liable for defects under circumstances demonstrating prior notice to the municipality and breach of a duty to respond. In all other circumstances, the City is not liable for property damage caused by road defects.



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Based on the findings of our investigation, it is our position that that the City of Milwaukee was not negligent in this matter. Therefore, we recommend that the claim submitted by Mr. Rezner in the amount of \$5,435.84 be denied.

Very truly yours,



EVAN C. GOYKE
City Attorney



NAOMI E. SANDERS
Deputy City Attorney

ECG/CEC/cdr

Enclosures

2025-002074/