

July 19, 2004

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

Re: Communication from Yolanda D. Wilson
C.I. File No. 04-L-74

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, Yolanda D. Wilson, 1677 West Galena Street, Milwaukee, WI 53205, alleges that on April 13, 2004 she sustained injuries when she tripped and fell due to a hole in the road in the 3900 block of North 52nd Street. She claims damages in the amount of \$10,000.00.

Our investigation reveals that the Infrastructure Services Division records from April 13, 2003 to April 13, 2004 indicate that they did not conduct asphalt patching in the 3900 block of North 52nd Street or the 3900 block of North 53rd Street. Their records also indicate that from April 13, 2003 to April 13, 2004 they did not receive any complaints of road defects in these areas. When the division is notified of any hazard in the roadway they will send a crew to investigate and/or

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patch the hazard. Prior to this complaint, the City had no notice of this hazard and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-1794