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January 15, 2013

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

Re: Communication from Arlene M. Evans
C.I. File No. 12-L-77

Dear Council Members:

Claimant, Arlene M. Evans, 3748 North 25th Street, Milwaukee, WI 53206, alleges that on July 13, 2012 she sustained injuries when she tripped and fell on an uneven sidewalk at 2532 North 51st Street. She claims damages in the amount of \$13,900.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on July 30, 2010 the Call Center received a call regarding the sidewalk at 2534 N. 51st Street. A Street Maintenance crew shimmed the sidewalk at this location on August 27, 2010. On May 12, 2011 the Call Center received a call regarding a cost estimate for the sidewalk at 2534 North 51st Street. This request was given to the Department of Public Works (DPW) Sidewalk Repair Specialist. A cost estimate was provided and the sidewalk was replaced on July 23, 2012 in the DPW's 2012 Sidewalk Replacement Contract. The ISD also reviewed their records and those of the Call Center between July 13, 2011 and July 31, 2012 and found that the ISD did not conduct asphalt patching near 2532 North 51st Street and that they did not receive any complaint for the sidewalk near this address.

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There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Assistant City Attorney

RMK:cdr

Enclosure

1029-2012-2419/187731