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October 10, 2006

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

Re: Resolution relating to the claim of Betty L. Ellison-Harpole  
C.I. File No. 05-L-169

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, Betty L. Ellison-Harpole, 3804 10<sup>th</sup> Avenue South, Minneapolis, MN 55407 alleges that on August 26, 2005 she tripped and fell on an uneven part of the sidewalk located at 4235 North 17<sup>th</sup> Street. She claims damages in the amount of \$54,300.28.

Our investigation reveals that the Infrastructure Services Division records from August 26, 2004 to September 15, 2005 indicate that they did not conduct any asphalt patching or receive any complaints for the 4200 block of North 17<sup>th</sup> Street. On December 20, 2005, after receipt of this claim, a Street Maintenance crew shimmed with asphalt the carriage walk in front of 4235 North 17<sup>th</sup> Street. Prior to receipt of this claim, the City had no

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notice of this hazard and because of this lack of notice; the City would not be liable.  
Therefore, we recommend that this claim be denied.  
Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1029-2005-3407:110460