

June 27, 2002

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

Re: Communication from Attorney Richard A. Frederick
On behalf of Good Hope/Pilgrim Rest Cemetery Corp.
C.I. File No. 02-L-64

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, Good Hope/Pilgrims Rest Cemetery Corporation, 3110 West Forest Home Avenue, Milwaukee, WI 53221, alleges through their attorney, Richard A. Frederick, 1840 North Farwell Avenue, Suite 301, Milwaukee, WI 53202, that over time a retaining wall and fence, allegedly constructed by or at the expense of the City, deteriorated because of natural circumstances and damage from City snow plows. They claim damages in the amount of \$329,080.00.

Our investigation reveals that the Infrastructure Services Division records have no indication that the walls and/or fences were constructed, or paid for, by the City of Milwaukee. There is also nothing to indicate that the City has responsibility for maintaining these items. This is the sole responsibility of the property owner.

The sanitation Division records indicate that several years ago there were some minor plow damage to the wall and fence and the claim was settled. They note that the present condition is due to deterioration from age. This loss is not related to an obligation or negligence by the City of Milwaukee and as such, 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