

CITY OF MILWAUKEE

Form CA-43

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May 8, 2002

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

Re: Communication from Kenneth J. Niederkorn
C.I. File No. 01-S-433

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 following recommendation.

Claimant, Kenneth J. Niederkorn, 629 Oak Lane, Horicon, WI 53032, alleges that on September 24, 2000 to September 30, 2001, he sustained injuries when he tripped and fell on an uneven part of the sidewalk located at 3204 North 32nd Street. He claims damages in the amount of \$23,477.26.

Our investigation reveals that the Infrastructure Services Division records from September 24, 2000 to September 30, 2001, indicate that no complaints of any sidewalk tripping hazard had been reported for this area. On January 4, 2002, after receipt of this claim, they patched with asphalt the sidewalk located at 3204 North 32nd Street. Upon notification of a hazard the division will send a repair crew to correct it usually within 24 hours.

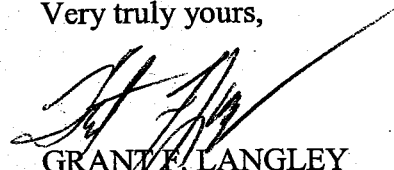
To the Hon. Common Council

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Prior to this complaint, the City had no notice of this defect in the sidewalk 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