

fred e. smith jr.
4364 N. 19TH PLACE
Milwaukee WI 53209

CITY OF MILWAUKEE

2022 JUN 21 PM 1:02

CITY CLERK'S OFFICE

June 21, 2022

Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee WI 53202

OFFICE OF CITY ATTORNEY
22 JUN '22 AM 08:25

Dear City Clerk:

I'm sending this written statement requesting a hearing regarding C.I. File No. 1029-2021-1294, involving Alfred E. Smith Jr. and the city of Milwaukee.

I would also like information on the hearing process. Who leads or facilitates the hearing? How can I prepare? What legal aid resources are available?

Respectfully,

Alfred E. Smith Jr.

alfred e. smith jr. CUSD

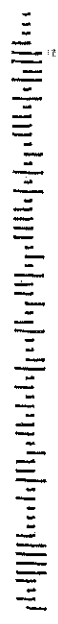
CITY OF MILWAUKEE
Office of the City Attorney
OFFICE OF THE CITY ATTORNEY

800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3551

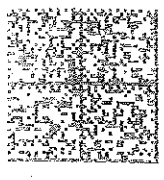


Mr. Alfred Smith
4364A North 19th Place
Milwaukee, WI 53209

EZD-55B 53209



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MATTHEW NEVARANTAR
Assistant City Attorneys

May 24, 2022

*mailed
6-3-22*

Mr. Alfred Smith
4364A North 19th Place
Milwaukee, WI 53209

RE: Communication from Alfred Smith
C.I. File No. 1029-2021-1294

Dear Mr. Smith:

We have received your claim in the amount of \$44,501.00, relating to damages you sustained when you drove over a sunken excavation in the area of West Capitol Drive and North 30th Street on June 17, 2021.

Our investigation reveals that the Milwaukee Water Works (MWW) performed a roadway repair excavation in the parking lane of 3005 West Capitol Drive on December 12, 2020. Upon completion of the work, the excavation was backfilled and temporarily patched until the permanent restoration could be performed by the City's Street Maintenance department. The temporary restoration had settled prior to when the permanent restoration was made, causing the condition reported in this claim. A search of our Call Center records revealed that the City had no notice of this condition prior to this incident.

The MWW followed standard operating procedures regarding performing an emergency excavation, completing the repairs, and backfilling and blacktopping the excavation with a temporary patch.

Wisconsin municipalities have discretionary immunity from liability for any damages that are due to a defect in a sidewalk or street. The City takes any report of defective streets or sidewalks seriously and upon notice of the defect, the Department of Public Works sends a crew to investigate and/or repair or barricade the hazard. In this case, permanent restorations were made upon notification of this incident.

GCOPY

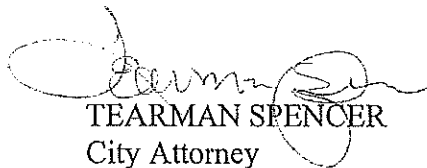


Mr. Alfred Smith
May 24, 2022
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It should be noted that this excavation was in a parking lane and not a travel lane. It is our view that since the City of Milwaukee had no notice of a problem with the excavation prior to this incident, and because of the City's discretionary immunity, the City is not liable for your damages. As such, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



TEARMAN SPENCER
City Attorney



PATRICIA KLOSIEWSKI
Investigator Adjuster

PK/cdr

1029-2021-1294/279493