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August 28, 2019

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

Re: C.I. File No. 1029-2018-2547
Communication from: Desiree M. Morton
3104 W. Kilbourn Avenue, #203
Milwaukee, WI 53208

To the Honorable Common Council:

Desiree M. Morton alleges that on August 10, 2018 she sustained injuries when the tire of her bicycle bumped up against the streetcar track while she was traveling on East Ogden near North Prospect. Claimed damages total \$60,000.00. This exceeds the statutory cap of \$50,000.00.

This notice of claim was filed on December 10, 2018. Wisconsin Statute §893.80(1d)(a) requires that a notice of the circumstances of the claim be filed within 120 days after the happening of the event giving rise to the claim. This notice is untimely.

The Infrastructure Services Division indicates that the streetcar tracks at East Ogden near North Prospect were constructed in accordance with the standard specifications, plans, and accepted standards for streetcar infrastructure. This project was constructed and completed under a City of Milwaukee contract. The work was performed by Kiewit Infrastructure Company.

There is no evidence that the City was negligent. Therefore, we recommend that this claim be denied.

Very truly yours,


GRANT F. LANGLEY
City Attorney


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JAS:mal
c: Samir Amin (Infrastructure)
Enclosure
1029-2018-2547262212

