

CITY OF MILWAUKEE

Form CA-43

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July 19, 2004

Elaina DiMiceli-Serwin
8798 Woodbridge Drive
Greendale, WI 53129

RE: Elaina DiMiceli-Serwin
C.I. File No: 04-S-196

Dear Ms. DiMiceli-Serwin:


This office is in receipt of your claim in the amount of \$159.46, relating to damage sustained to your vehicle on June 8, 2004 when you collided with a manhole cover while traveling east near 27th and Clybourn.

Our investigation reveals the Infrastructure Services Division records indicate that they investigated a manhole lid off at North 27th Street and West Clybourn Avenue on June 8, 2004. The manhole lid was found to be off the frame and the frame broken at this time. A repair crew was immediately dispatched to the site to replace the frame and lid, backfill and patch the street to reopen it to traffic. The division has no previous history of problems with this structure. Based on this information and the fact that the City of Milwaukee is responsible for about 100,000 manholes, it is impossible to have prevented or anticipated this incident. Since there is no evidence that the City is responsible for this loss, it cannot be held liable. Accordingly, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


STEVEN M. CARINI
Investigator Adjuster

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