

June 4, 2003

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

Re: Communication from Charlton, Morgan & Joy Ltd.
on behalf of Karin Kitchen
C.I. File No. 03-L-57

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, Karin Kitchen, 8102 West Oklahoma Avenue, Milwaukee, WI 53219, alleges through her attorney, Charlton, Morgan & Joy Ltd., 840 North Old World Third Street, Suite 500, Milwaukee, WI 53203-1785, that on December 15, 2002 she sustained injuries when she fell due to a hole next to a sewer grate located at 8211 West Oklahoma Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division records indicate that this alleged matter was not reported to them, and they did not investigate it. The storm inlets on West Oklahoma Avenue at this location are under the jurisdiction of the Milwaukee County Highway Department. The inlet at this location was referred to

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Milwaukee County for inspection on May 15, 2003. Because this location is under the jurisdiction of the County the City cannot be held 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
1029-2003-1263:68342