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January 19, 2007

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

Re: Resolution relating to the Claim of Morgan Stencil
And on her behalf by attorney Robb A. Marcus
C.I. File No. 05-S-54

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, Morgan Stencil, f/k/a Morgan Powell, by her attorney, Robb A. Marcus, 6300 North Port Washington Road, Milwaukee, WI 53217 alleges that on November 5, 2004, Ms. Stencil stepped into a sewer alarm hole that had a broken lid. The alarm system manhole was located at 820 North Plankinton Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals the Infrastructure Services Division-Underground Operations responded on the date in question. They found a broken 18"x36" manhole cover for an underground alarm system vault. They secured the area with barricades.

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The Electrical Services Division then responded to the location and further secured the area with plywood, barricades and cones. On November 8, 2004, the division installed a new cover for the vault. The Division found that they had no record of any previous complaint or notification regarding the vault's condition. The City had no notice of this defective condition, as such, it would not be liable. We recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Assistant City Attorney

MGT:beg
Enclosure
1029-2005-458:113998