

CITY OF MILWAUKEE

Form CA-43

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

Re: Communication from Terry Ashley
C.I. File No. 01-L-124

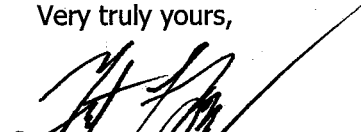
Dear Council Members:


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, Terry Ashley, 3375 North 55th Street, Milwaukee, WI 53216-3184, alleges that on April 24, 2001 he sustained injuries when he fell due to a gap and/or crack in the roadway on North 4th Street located approximately 30-40 feet south of McKinley Avenue. He claims damages in the amount of \$73,932.42.

Our investigation reveals that the Infrastructure Services Division records from April 24, 2000 to April 24, 2001 show no complaints of roadway defects in the area where the claimant indicated he fell. Upon notification of a defect the division will send a repair crew to correct a hazard usually within 24 hours. Prior to this complaint, the City had no notice of this defect and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,


GRANT F. LANGLEY
City Attorney


MICHAEL G. TOBIN
Assistant City Attorney

MGT:smc
Enclosure