

# CITY OF MILWAUKEE

Form CA-43

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*Rec'd Jan 21,*

*2004*

*RDC  
City Clerk*

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January 5, 2004

Michael E. Cesarec  
7064 No. 40<sup>th</sup> St.  
Milwaukee, WI 53209

*252-2365*

RE: C.I. File No: 03-S-465

Dear Mr. Cesarec:

This office is in receipt of your claim in the amount of \$108.76, relating to damage sustained to your vehicle that you noticed on November 7, 2003 when you were driving on North 52<sup>nd</sup> St. — West of St. Joseph's Hospital.


Our investigation reveals that the Infrastructure Services Division records from November 7, 2002 to November 30, 2003 indicate that asphalt patching was conducted in this area as recently as November 13, 2003. Their records also indicate that between November 7, 2002 and November 30, 2003, they received three complaints for this area. On March 28, 2003 they received a call into their Call Center about a low water cut at 3069 North 52<sup>nd</sup> Street. This was patched with asphalt on April 2, 2003. On October 31, 2003 they received a call about potholes in the roadway along North 52<sup>nd</sup> Street between North Locust Street and North Burleigh Street. This area was patched on November 3, 2003. On November 7, 2003 at 9:14 a.m. they received a call about potholes in the roadway of the 3000 block of North 52<sup>nd</sup> Street. This area was patched on November 10, 2003. Upon notification of a hazard the division will send a repair crew to correct it usually within 24 hours. Prior to this complaint, the City had no notice of this hazard and because of this lack of notice, the City would not be liable. Accordingly, we are denying your claim.

*g. 3023 N. 52<sup>nd</sup> St. called 11-10-03*

Michael E. Cesarec  
January 5, 2004  
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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 FLANAGAN  
City Attorney

*Steven M. Carini*  
STEVEN M. CARINI  
Investigator Adjuster

SMC: msb  
1029-2003-3866:76328

City Clerk  
ATTN: CLAIMS  
200 E. Wells St. Room 205  
Milwaukee, WI 53202-3567

On November 7<sup>th</sup>, 2003 at approximately 2:40pm I was travelling north on 51<sup>st</sup> Street and was forced to go one block west at St. Joseph's Hospital because of construction on 51<sup>st</sup> St. I turned north on 52<sup>nd</sup> Street I encountered a pot hole which blew my right front tire. When I found a parking spot I called AAA. They came and changed the tire. On November 8<sup>th</sup> I drove to Corky's Tire in Cedarburg where I had purchased the original set of tires (copy of invoice attached). I was told the tire was not reparable because the side wall was blown out. A new tire was ordered which I had installed on November 10<sup>th</sup> at a cost of \$108.76 (copy of invoice attached). The original tire is in my possession if you would like to view the tire.

On November 10<sup>th</sup> I called my alderman, Don Richards, to report the incident. On November 11<sup>th</sup> we returned to the area to take pictures of the pot hole and found that the city had filled all the holes on that block on the 10<sup>th</sup>. Enclosed are pictures of the Hub caps standing next to the St. Joseph parking structure which had been picked up at the site of the hole which caused our flat tire. Neighbors told me that they had been complaining about the holes in the street for some time and would be glad to appear as witnesses if I needed them to verify the condition of the street.

This letter is my claim for the amount of \$108.76.

Michael E. Cesarec  
7064 N. 40<sup>th</sup> St.  
Milwaukee, WI 53209  
Phone - 414-352-2365

