

March 20, 2006

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

Re: Communication from Dorothy Strzelczyk
& Dick Johnson on her behalf
C.I. File No. 05-S-254

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, Dorothy Strzelczyk, 5707 45th Street East, Lot 111, Bradenton, FL 34203, alleges on her own and also through her son-in-law, Dick Johnson, 5552 Lucia Place, Sarasota, FL 34238, that on July 14, 2005 she sustained injuries when she fell on an uneven part of the sidewalk located near North Old World Third Street and West Wells Street. She claims damages in the amount of \$46, 883.00.

Our investigation reveals that the Infrastructure Services Division records from July 14, 2004 to July 31, 2005 show no complaints of sidewalk defects in the area where the claimant indicated she fell. On September 8, 2005, after receipt of this claim, a Street Maintenance crew shimmed

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this sidewalk with asphalt. When the division is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or correct hazard. Prior to this, the City had no notice of this hazard and because of this lack of notice, the City would not we would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2005-2374:103424