

Milwaukee City Clerk
200 East Wells Street Room 205
Milwaukee, WI 53202

August 19, 2023

Mr. Michael Rowsey
1300 N. Vel R Phillips Ave. Apt. 111
Milwaukee, WI 53212

CITY OF MILWAUKEE
2023 AUG 23 P 3:10
CITY CLERK'S OFFICE

Appeal/ Request for A Hearing

Greetings,

My name is, Michael Rowsey, and I am responding to the denial letter received regarding file numbers:

- C.I. file number 1029-2023-874
- C.I. file number 1029-2023-875

In compliance with the twenty-one (21) day time frame, I am hereby requesting a hearing in the above file numbers provided.

A photocopy [of the denial letter envelope is attached, which will make it two (2) pages total.

Sincerely,



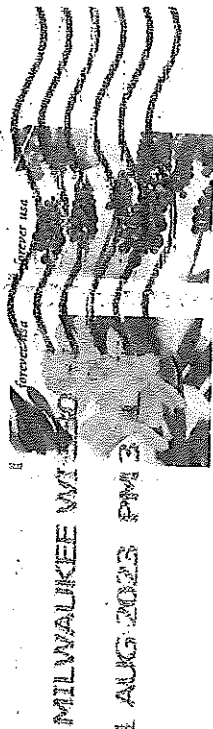
Michael Rowsey

OFFICE OF CITY ATTORNEY
24 AUG 23 4:09:59

From
Mr. Michael Rowsey
1300 N. Vel R Phillips Apt. 111
Milwaukee, WI 53212

CITY OF MILWAUKEE
2023 AUG 23 PM 3:26
CITY CLERK'S OFFICE

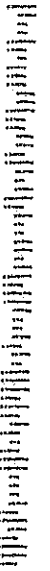
To: Milwaukee City Clerk
200 E. Wells Street Rm 205
Milwaukee, WI 53202



MILWAUKEE WI 53202

21 AUG 2023 PM 3:26

53202-357099



TEAMMAN SPENCER
City Attorney

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ROBIN A. PEDERSON
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CLINT B. MUCHE
JOANNA FRACZEK
Assistant City Attorneys

August 10, 2023

Mailed
8-16-23

Mr. Michael Rowsey
1300 North Vel R. Phillips Ave., Apt #111
Milwaukee, WI 53212

RE: Communication from Michael Rowsey
C.I. File No. 1029-2023-874
C.I. File No. 1029-2023-875

Dear Mr. Rowsey:

The City of Milwaukee is in receipt of your claim for damages incurred as a result of colliding with potholes in the street at N. 35th St. and W. Hope Ave. on February 23, 2023, and N. 27th St. and W. Capitol Dr. on March 24, 2023.

Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. The City takes any report of defective streets or sidewalks seriously and upon notice of any defect, the Department of Public Works sends a crew to investigate and/or patch, repair or barricade the hazard. Under discretionary immunity, the City is generally not liable for damages.

City records indicated that prior to February 23, 2023, the City had no notice of a hazard in the roadway at N. 35th St. and W. Hope Ave. Regarding the location in the area of N. 27th St. and W. Capitol Dr., the City received notice of potholes in the roadway on March 13, 2023 and March 17, 2023. Because of seven snow events during this time period, the necessary repairs were delayed until April 11, 2023.

A rectangular stamp with the word "COPY" in a bold, sans-serif font.




Mr. Michael Rowsey
August 10, 2023
Page Two


It is our view the Department of Public Works was not negligent regarding response to the reports of the subject potholes. Because of this, along with the City's discretionary immunity, the City of Milwaukee is not liable for damages and we are denying your claims.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



TEARMAN SPENCER
City Attorney



PATRICIA KLOSIEWSKI
Investigator Adjuster

PK/cdr

1029-2023-874/286636
1029-2023-875/286636

CITY OF MILWAUKEE
Office of the City Attorney

OFFICE OF THE CITY ATTORNEY
800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3551

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Mr. Michael Rowsey
1300 North Vel R. Phillips Ave., Apt #111
Milwaukee, WI 53212



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