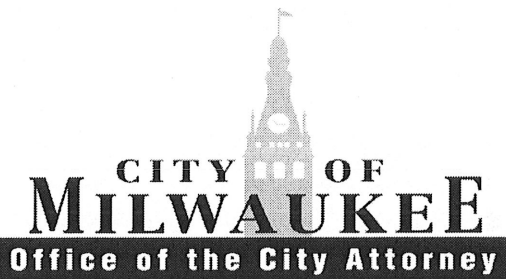


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January 8, 2019

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

Re: Communication from Ruth T. Rivera  
C.I. File No. 1029-2018-2421

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.

On August 10, 2018, Ms. Rivera was injured while walking in the vicinity of 23rd Street and Edgerton Avenue. Ms. Rivera alleges that her fall and subsequent injuries were due to a defective sidewalk and makes a claim for medical expenses and pain and suffering in the amount of \$50,000.

The Infrastructure Services Division (ISD) conducted an investigation into this matter. "Call Center Records" reflect one complaint made on August 10, 2018 (date of incident). ISD investigation concluded that there was no prior knowledge of a hazard along the sidewalk near 23rd Street and West Edgerton Avenue prior to August 10, 2018, when Ms. Rivera claims she tripped and fell at this location.

Wisconsin municipalities usually have discretionary immunity from liability for damage that is due to a defect in a sidewalk or street. The City takes reports 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. A street maintenance crew shimmed the sidewalk at this location on August 13, 2018.



Honorable Common Council

January 8, 2019

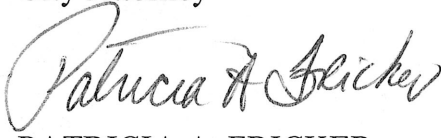
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There is no evidence that the City was negligent in this matter. Coupled with the City's discretionary immunity, the City would not have liability in this matter. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



PATRICIA A. FRICKER  
Assistant City Attorney

PAF:mal  
Enclosure

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