

September 12, 2002

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

Re: Communication from Attorney Marcus J. Sengstock
on behalf of Patricia Mary Kubacki
C.I. File No. 02-L-93

Dear Council Members:

We return the enclosed document which was 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, Patricia Mary Kubacki, alleges through her attorney Poulos, Sengstock, Budny & Ludwig, S.C., 10150 West National Avenue, Suite 390, West Allis, WI 53227, that on June 27, 2002 she sustained injuries when she tripped and fell on an uneven part of the sidewalk located at 2134 North Terrace Avenue. She claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division records from June 2, 2001 to June 28, 2002 indicate that no complaints of any sidewalk tripping hazard has been reported for this area. On July 31, 2002, after receipt of this claim, they ramped with asphalt the sidewalk located at 2134 North Terrace Avenue. Upon notification of a hazard the division will send a repair crew to correct it usually within 24 hours.

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Prior to this complaint, the City had no notice of this defect in the sidewalk 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:beg
Enclosure
1029-2002-2089:57622