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October 19, 2010

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

Re: Resolution Relating to the Claim of Jeremy C. Smith
Through his attorney, Safran, Konkel & Safran, S.C.
C.I. File No. 08-S-627

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, Jeremy C. Smith, 2403 North Weil Street, Milwaukee, WI 53212, through his attorney, Safran, Konkel & Safran, S.C., 1110 North Old World Third Street, Suite 405, Milwaukee, WI 53203, allege that on April 11, 2008 he sustained injuries and property damage when his vehicle drove over an improperly barricaded construction hole while he was traveling eastbound on West Hampton Avenue at North 24th Street. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that the ISD Underground Operation had previously repaired a catch basin at 2403 West Hampton Avenue. An ISD Street Maintenance crew was performing permanent repairs to the pavement, curb and gutter around this catch basin between March 25, 2008 and April 17, 2008. They properly barricaded and placed traffic control signs at the site. The City was not negligent in this matter. As such, it 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:ms
Enclosure
1029-2008-2416:162461

OFFICE OF THE CITY ATTORNEY