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October 27, 2010

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

Re: Resolution Relating to the Claim of Susan J. Fink
C.I. File No. 10-L-68

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, Susan J. Fink, General Delivery, Franklin, WI 53132, alleges that on April 10, 2010, she sustained injuries when she walked into an open drain hole at or near North 32nd Street and West Clybourn Avenue. She claims damages in the amount of \$7,046.34.

Our investigation reveals that this claim was filed on August 9, 2010. Wisconsin Statute § 893.80 (1)(a) requires that a notice of claim must be filed within 120 days after the happening of the event giving rise to the claim. This notice of claim was not timely filed. In addition, the Infrastructure Services Division and Milwaukee Water Works records indicate that prior to April 10, 2010, the City had no notice of this hazard in the roadway and because of this lack of notice the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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JAS:ms
Enclosure
1029-2010-2177:162699

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