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November 29, 2010

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

Re: Resolution Relating to the Claim of Carl Peterson
C.I. File No. 10-L-141

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, Carl Peterson, 2618 North 69th Street, Wauwatosa, WI 53213, alleges that on September 20, 2010, his vehicle allegedly sustained damage at North Dr. Martin Luther King, Jr. Drive and West Center Street when it struck an unmarked manhole cover that was in a construction zone. He seeks damages in the amount of \$12,967.64.

Our investigation reveals that the Infrastructure Services Division records indicate that the Department of Public Works – Infrastructure Services Street Maintenance did not have any maintenance projects along North Dr. Martin Luther King, Jr. Drive at West Center Street in September, 2010. The reconstruction of North Dr. Martin Luther King, Jr. Drive between West McKinley Avenue and West Burleigh Street is a State of Wisconsin paving project, State ID No. 2984-03-70. Their contact information is the **State of Wisconsin Department of Transportation, District 2, Attention: Jason Roselle, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187-0798**. The contractor involved is **Payne & Dolan, Inc., N3 W3650 Badinger Road, P.O. Box 781, Waukesha, WI 53187**.

Since the City is not involved with the project, it cannot accept liability and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure

c: Carl Peterson
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