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September 24, 2018

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

Re: C.I. File No. 1029-2017-2216  
Communication from: Ardell Bergin  
4075 S. 103<sup>rd</sup> Street  
Greenfield, WI 53228

Dear Council Members:

Ardell Bergin alleges that on October 1, 2017 she sustained injuries when she tripped and fell on an uneven sidewalk asphalt patch at 912 East State Street. Claimed damages total \$185,056.66.

Wisconsin municipalities have discretionary immunity from liability for damages that are due to a defect in a sidewalk or street. The City takes any report of defective streets or sidewalks seriously and upon notice of the defect, the Department of Public Works sends a crew to investigate and/or patch, repair, or barricade the hazard. Under discretionary immunity, the City is generally not liable for the damages.

The Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. They found that on July 13, 2015 they received one call regarding the sidewalk at 916 East State Street. The ISD sent crews and placed an asphalt shim the next day. Prior to October 1, 2017 the City had no notice of a problem with the patch. After receipt of this claim, the ISD inspected and found that the patch did not need any repair. As such, 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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Enclosure

c: Samir Amin (Infrastructure)

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