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November 24, 2009

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

Re: Resolution Relating to the Claim of Reginald Wheeler
C.I. File No. 09-L-125

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, Reginald Wheeler, 4320 North 42nd Place, Milwaukee, WI 53216, alleges that on July 13, 2009 he sustained damages to his vehicle, personal injury and pain and suffering when his vehicle allegedly struck a manhole cover that was sticking up in the roadway at/near South 28th Street and West National Avenue. He claims damages in the amount of \$5,234.11.

Our investigation reveals that the Sewer Maintenance Section reviewed their records and found they had not received any calls regarding this alleged situation. They checked the area as a result of this claim and found all of the City's structures were secured at that time. The City had no notice of this defect with the manhole and because of this lack of notice, it would not be liable, as such, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2009-2906:151798