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July 16, 2010

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

Re: Resolution Relating to the Claim of BENJAMIN M. ADANK
C.I. File No. 10-S-72

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, Benjamin M. Adank, 6128 North Santa Monica Boulevard, Milwaukee, WI 53217, alleges through USAA Casualty Insurance Company, by its representative Matthew B. McCarthy, 9800 Fredericksburg Road, San Antonio, TX 78288, as subrogee, that on February 11, 2010 a stop sign and post for northbound traffic at the intersection of South 3rd Street and West National Avenue was on the ground buried under the snow causing their insured's vehicle to collide with another vehicle. They claim damages in the amount of \$13,817.36.

Our investigation reveals that the Infrastructure Services Division records indicate that prior to February 11, 2010 the City had no notice of this hazard 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

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2010-702:159097

OFFICE OF THE CITY ATTORNEY