



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0988-21

AGENDA DATE: January 10, 2022

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Taft on behalf of the City Attorney's Office submitting the claim of Stephanie Munoz for consideration for disallowance.

EXECUTIVE SUMMARY:

Stephanie Munoz filed a claim with the City requesting \$221.35 in damages to her vehicle, which were allegedly caused when she drove over a pothole located in a privately owned parking lot of the Burlington store at 2433 S. Green Bay Road on or about October 17, 2021. Because this alleged incident occurred on privately owned property, the City is not liable for these claimed damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Stephanie Munoz, of Waukegan, Illinois, filed a claim for reimbursement requesting \$221.35 in damages to her vehicle, which were allegedly caused when she drove over a pothole located in a privately owned parking lot of the Burlington store at 2433 S. Green Bay Road on or about October 17, 2021.

This alleged incident occurred on private property, specifically, in the privately-owned parking lot belonging to the Burlington store located at 2433 S. Green Bay Road, Racine, Wisconsin.

Because this alleged incident occurred on privately owned property, the City is not liable for these claimed damages. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BUDGETARY IMPACT:

Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00 impact on the City's budget.

OPTIONS/ALTERNATIVES:

If the Committee recommends that this claim be paid by the City (contrary to any indication of the City's liability for the alleged damages), this item would have up to a \$221.15 impact on the City's 2022 claims budget.

RECOMMENDED ACTION:

That the disallowance of the claim of Stephanie Munoz be recommended for approval.

ATTACHMENT(S):