



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: June 16, 2026

STANDING COMMITTEE DATE: June 29, 2026

FINAL ACTION COUNCIL DATE: July 7, 2026

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Jessica Grandberry for consideration for disallowance.

EXECUTIVE SUMMARY:

Jessica Grandberry filed a claim with the City requesting \$151,041.50 in damages allegedly arising from tripping and falling on an uncovered 6-inch utility pipe while she was crossing the street at the intersection on the west side of Erie Street at Sydney Drive, in Racine on or about August 22, 2023. The City had no prior notice of the alleged defect in the highway on the date of the claimed incident. Pursuant to Wisconsin Statute section 893.83, the City is immune from liability for damages caused by highway defects of which the City had no prior notice. Moreover, the claimant was negligent in her duty to use ordinary care to look out for potential hazards in plain sight within her path of travel. As such, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Jessica Grandberry, of 712 Monticello Drive, Racine, Wisconsin 53403, filed this claim requesting \$151,041.50 in damages allegedly arising from tripping and falling on an uncovered 6-inch utility pipe while she was crossing the street at the intersection on the west side of Erie Street at Sydney Drive, in Racine on or about August 22, 2023.

By law, the City is not liable for the claimant's alleged damages because, pursuant to Wisconsin Statute section 893.80, the City is immune from liability for damages caused by highway defects for which

the City had no prior notice. In this instance, the City had no prior notice of the alleged defect in the highway on the date of the claimed incident.

Moreover, all pedestrians have a duty use ordinary care when walking and to look out for potential hazards in plain sight within their path of travel. If a pedestrian fails to keep a proper lookout for such potential hazards in their plain sight, the pedestrian is negligent.

For the reasons set forth above, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BUDGETARY IMPACT:

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

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.
