

STATEMENT OF LEGAL ISSUES

- I. WHETHER, AS A MATTER OF LAW, THE CITY OWED A DUTY TO ADAM HOHM TO CONSTRUCT THE SUBJECT STREET IN A REASONABLY SAFE MANNER TO PROTECT HIM FROM DANGEROUS CONDITIONS CAUSED BY THE INHERENT DEFECTS IN THE DESIGN AND CONSTRUCTION OF THE SUBJECT STREET.

The trial court held in the affirmative.

- II. WHETHER, AS A MATTER OF LAW, THE CITY OWED ADAM HOHM A DUTY TO UNDERTAKE TO MAINTAIN THE SUBJECT STREET AND TO DO SO IN A REASONABLY SAFE MANNER.

The trial court held in the affirmative.

- III. WHETHER, AS A MATTER OF LAW, THE CITY OWED A DUTY TO ADAM HOHM TO PROVIDE GUARDS OR OTHER BARRIERS TO PROTECT HIM AGAINST DANGEROUS CONDITIONS CAUSED BY INHERENT DEFECTS IN THE DESIGN OR CONSTRUCTION OF THE SUBJECT STREET ONCE THE CITY KNOWS OR SHOULD KNOW OF SUCH DANGEROUS CONDITIONS.

The trial court held in the affirmative.

- IV. WHETHER, AS A MATTER OF LAW, THE CITY OWED A STATUTORY DUTY TO ADAM HOHM, AS PART OF THE ORIGINAL DESIGN AND CONSTRUCTION OF THE STREET, TO ERECT AND MAINTAIN WARNING SIGNS TO PROTECT HIM FROM POINTS OF DANGER INHERENT IN THE DESIGN AND CONSTRUCTION OF THE SUBJECT STREET, AND TO ERECT AND MAINTAIN WARNING SIGNS AT SUCH POINTS WHEN THE CITY KNOWS OR SHOULD KNOW THAT SUCH INHERENT DANGERS EXIST.

The trial court held in the affirmative.