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August 15, 2008

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

Re: Resolution relating to the claim of Sherry L. Woosypiti
C.I. File No. 08-L-66

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, Sherry L. Woosypiti, 2338-A West Becher Street, Milwaukee, WI 53215 alleges that on June 7, 2008 she sustained damages when the root of a City tree clogged her sewer lateral and caused sewage to back-up into her basement. She claims damages in the amount of \$30,000.00.

Our investigation reveals that the Infrastructure Services Division records indicate that because of the large amount and intensity of the rain during the weekend of June 7-8, 2008, the City experienced flows that exceeded the capacity of the sewer systems. In addition, the maintenance of the building lateral is the responsibility of the property owner per City Charter Ordinance 12.15.

The Forestry Division records indicate that, after receipt of this claim, they investigated and found a 16 inch diameter Norway maple tree growing in the City right-of-way at 2338-40 West Becher Street. The tree is alive and healthy. They note that tree roots enter a sewer only when the sewer has been previously damaged by other factors such as soil settling and compaction or aging which results in failure of the grout or cracking of the tiles. In addition, they searched their records for the last 5 years and found no notice of any problems regarding the sewer lateral.

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There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.
Very truly yours,

GRANT F. LANGLEY
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JAS:beg
Enclosure
1029-2008-2248