

February 16, 2004

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

Re: Communication from James T. Baumann
on behalf of Tower Automotive
C.I. File No. 03-L-75

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, Tower Automotive, by its representative James T. Baumann, Maintenance Leader, 3533 North 27th Street, Milwaukee, WI 53216 alleges that on May 13, 2003 a temporary water supply line which supplied water to their Ram frame assembly operations, was shut off by the City. They claim damages in the amount \$124,264.00.

Our investigation reveals that the Milwaukee Water Works records indicate that a City crew turned off a water main gate valve near the corner of West Townsend Street and North 27th Street at approximately 1:10p.m. on May 13, 2003. The shut off was done in preparation for construction scheduled to begin the next day. When the gate valve was turned off a temporary water supply to Tower Automotive from a fire hydrant was deactivated. The water supply was turned off for less than one hour.

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Milwaukee Water Works Rule 1.2.5 requires a customer such as Tower Automotive to maintain suitable means of protecting their equipment from interruptions in water service. Because Tower Automotive did not comply with this rule, the City would not be liable. Accordingly, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1048-2003-1662:71542