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October 26, 2020

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

Re: C.I. File No. 1029-2020-1402

Communication from: Denenberg, Tuffley, PLLC
One Northwestern Plaza
28411 Northwestern Hwy, Suite 600
Southfield, MI 48034 on behalf of
Certain Insurers and also on behalf of
Time Equities, Inc.

Dear Council Members:

Denenberg, Tuffley, PLLC alleges that on May 18, 2020 their clients sustained damages when a sewer backed up into the basement of their property located at 310 Wisconsin Avenue. Claimed damages exceed the statutory cap of \$50,000.00.

The Infrastructure Services Division (ISD) records indicate that on May 18, 2020 Sewer Maintenance received and responded to two calls regarding a backwater at 310 West Wisconsin Avenue. The combined sewer was checked and found to be working properly. The lateral for this property was clogged and the caller was advised to contact a licensed plumber. Maintenance of sewer laterals is the responsibility of the property owner under City Charter Ordinance 12.15.

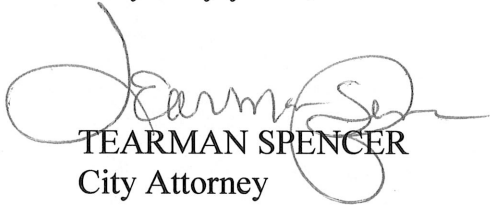
The ISD records also indicate that the combined sewer is on a regular 8-10 year cleaning schedule and were last cleaned, prior to this incident, on September 11, 2013. Past cleaning records do not indicate any unusual problems.




To the Honorable Common Council
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There is no evidence that the City was negligent in this matter. Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



KATRYNA C. RHODES
Assistant City Attorney

KCR:cdr

Enclosure

c: Robert Brooks (ISD)

1029-2020-1402/272023