

June 16, 2004

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

Re: Communication from Victoria McFarland-Spivey
C.I. File No. 04-L-63

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, Victoria McFarland-Spivey, 2017 West Villard Avenue, Milwaukee, WI 53209 alleges that on May 14, 2004 she sustained damages when a City sewer backed up into her basement. She claims damages in the amount of \$18, 261.09.

Our investigation reveals that the Infrastructure Services Division records indicate that they investigated a backwater at 2017 West Villard Avenue on May 14, 2004 and found the Milwaukee Metropolitan Sewerage District interceptor sewer to be surcharged causing the City main sanitary sewer to back-up into the basement. Saturated ground conditions and severe rain

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that occurred on this date resulted in flows that exceeded the capacity of the system. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-1555:82011