

April 9, 2016

City Clerk  
City of Milwaukee  
200 E. Wells St. Room 205  
Milwaukee, WI 53202-3567

**RECEIVED**

APR 12 2016

OFFICE OF  
CITY ATTORNEY

RE: CI File No. 1029-2016-562

To Whom It May Concern:

I wish to appeal the decision communicated to me in the March 31, 2016 letter from the City Attorney's Office regarding the above claim related to property damage at my residence at 4130 South Burrell Street. Therefore I am requesting a hearing as is the protocol for the appeal process.

Please be advised I will be out of town until May 9, 2016, for scheduling purposes.

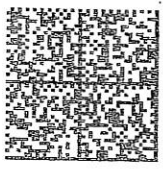
Sincerely,

Janis Mertin  
4130 S. Burrell St.  
Milwaukee, WI 53207  
414-333-4604

CITY OF MILWAUKEE  
2016 APR 11 A 11:01  
CITY CLERK'S OFFICE

**CITY OF  
MILWAUKEE**  
Office of the City Attorney  
OFFICE OF THE CITY ATTORNEY  
800 City Hall  
200 East Wells Street  
Milwaukee, Wisconsin 53202-3551

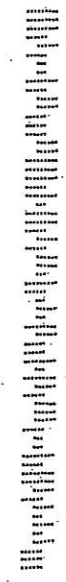
UNSORTED  
FIRST CLASS



U.S. POSTAGE PITNEY BOWES  
ZIP 53202 \$000.39<sup>1</sup>  
02 1W  
0001396581 APR. 04. 2016

Ms. Janis Mertin  
4130 South Burrell Street  
Milwaukee, WI 53207

CZE-SSB 53207



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MAR 9 - 2016

OFFICE OF  
CITY ATTORNEY

CITY OF MILWAUKEE  
2016 MAR - 7 PM 12:00  
CITY CLERK'S OFFICE

March 1, 2016

City Clerk  
ATTN: CLAIMS  
200 E. Wells St. Room 205  
Milwaukee, WI 53202-3567

To Whom It May Concern:

I am a first time homeowner and closed on the property at 4130 S Burrell St. on May 6, 2015. I reside there. On the afternoon of November 17<sup>th</sup>, 2015, there was a sewer back up in my basement. I immediately called my homeowners insurance to open a claim and then contacted my home warranty company in which we scheduled a plumber to come out. I did this as I assumed it was due to some kind of failure regarding my home's pipes. Neither I nor my dog could stay there that evening as the smell was overbearing and toxic.

I returned to my home at approximately 9 A.M. on November 18, 2015, when I noticed my plumber and a city of Milwaukee worker by my driveway. The DPW worker approached me and told me to send my plumber away as there was a clog and once they locate and unclog it the water in my basement would go down. He stated there was nothing my plumber could do, as they needed to work on it to make the water recede. It is the city's problem.

A few hours later the sewage water did go down after the city workers unclogged the sewer pipe at 1<sup>st</sup> and Waterford. This dangerously contaminated water was 4 inches deep and touched all four corners of my basement. This condition existed for about 19 hours before receding.

Due to this dangerously contaminated water in my home it was necessary to hire a professional service. I hired Serv-Pro. The clean-up process lasted 12 days, which included massive removal of a glue down tile floor, drywall removal under my basement stairs, blowers, fans and dehumidifiers running 24 hours a day. I cannot even put an accurate number on the increase of my electric bill as I wasn't living there 12 months prior in order to compare kilowatt usage. Same goes for the increase in my water bill. Sewage was hosed down the drain followed by massive amounts of water from my faucet.

I was told by Serv-Pro that it would help minimize costs if I helped haul and move uncontaminated items out of the basement. I did this to keep this cost down as my homeowners insurance agent (American Family) told me sewer back-up was not covered in my policy. I then found out there was also no coverage with my home warranty program as they do not cover "any secondary damage". The entire clean up and restoration was cash out of my pocket. Combine this with having contaminated sewage in my home, loss of property including many unreplaceable personal items is devastating and stressful. It has also been physically taxing as I spent 43 hours assisting in the clean-up. It has been 3 solid months of my home being in chaos (uncontaminated items moved to 1<sup>st</sup> and 2<sup>nd</sup> floor of my house). The garage was full as well. I could not even park my car inside and this occurred during winter which has been another major inconvenience.

Enclosed is a CD with photos of the sewer water and damaged items and a DVD of video of the backup. I am also enclosing itemized receipts and estimates. This includes some important and irreplaceable personal property (memory wise) items such as my Sony Digital Camera from my deceased mother with 2 G memory stick full of unreplaceable photos, my Hoover canister vacuum, dehumidifier, my daughter's cello case (I waded through the sewer water and saved the cello), 75 CDs, DVD sets, professionally framed photos, an entire box of stationery supplies stamps, envelopes, file folders, markers, more than a dozen pairs of boots and shoes and 14 extension cords.

I am asking for restitution in this matter due to the fact that this issue arose from a city pipe. Since this incident, it was also divulged that my property and the property south of me at 4134 S. Burrell, had a similar incident in June of 2008, which was also caused by city pipes. It appears there is an issue with the City of Milwaukee Sewer System that failed to be fixed after the incident in 2008. Due to the repetition of this matter, I feel the City of Milwaukee was negligent in not maintaining a sewer issue that they knew existed following the 2008 back up and therefore should be financially responsible for the cleaning and repair to return my home to pre-backup condition.

I am also requesting a thorough study, investigation and repair to the pipe/pipes that allowed this to happen so that this never occurs again. Of major concern to me is the fact that this property has had this happen twice in under seven and a half years. Upon resale of my home, my property value will be decreased when put up against a comparable home. I certainly would never purchase a home that this happened to twice in a short period, knowing the odds of another reoccurrence are greater than other existing homes without this problem. How do I calculate that number in this loss?

Thank you and I am looking forward to a positive resolution of this matter both financially and for future prevention.

Sincerely,



Janis Mertin  
4130 S. Burrell St.  
Milwaukee, WI 53207  
414-333-4604

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CITY ATTORNEY

Enclosures

**Itemized receipts: (All original receipts are available for submittal)**

Serv-Pro: Clean up and Restoration Service:	\$1,900.13
Procare Restoration: Sanitizing Ductwork:	300.00
Gordy's Painting: Painting basement walls – labor only	550.00
Jesse Belk Painting: Painting floor and replacing drywall	950.00
Home Depot: Paint and supplies	223.25
Sherwin Williams – Floor Paint and sealer	487.64
(Home Depot; Mequon Vacuum;) – Clean up and replacement of Items)	<u>634.72</u>
<b><u>Total:</u></b>	<b><u>\$5,045.74</u></b>

Note: basement walls had to be repainted due to water line and damage to surface; basement floor had to be repainted and sealed since floor and floor tile were damaged.

Estimate for pending work:

Paint and primer for new drywall:	\$ 66.00
Personal Property loss:	\$2,377.93

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**Grand Total:** **\$ 7,489.67**

