

GRANT F. LANGLEY

City Attorney

RUDOLPH M. KONRAD

LINDA ULISS BURKE

VINCENT D. MOSCHELLA

Deputy City Attorneys



THOMAS O. GARTNER
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE RUTLEDGE
JAY A. UNORA
DONALD L. SCHRIEFER
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNING
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
Assistant City Attorneys

October 17, 2013

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

Re: Communication from CATALYST CONSTRUCTION
C.I. File No. 1029-2013-2505

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 and Legislation with the following recommendation.

Claimant Catalyst Construction alleges the City of Milwaukee abandoned a sewer lateral during the rework of North Port Washington Road during the summer of 2012 causing sewer back ups at the 3601 North Port Washington Road. Catalyst Construction has submitted a claim for damages in the amount of \$21,505.00.

The Infrastructure Services Division reports a contract was awarded to MJ Construction on January 31, 2012 to relay the sanitary sewer and rehabilitate the storm sewer on North Port Washington Road between North Dr. Martin Luther King Drive and West Olive Street. During the relay work, the contractor reconnected only those connections that were found to be active

The contractor only found one active building sewer connection from the existing Hope Fortis School at the time of the sewer relay work. There was an empty lot at the location where the subject claim is made. The contractor found no evidence of an active lateral. This is confirmed by the fact that the building addition was constructed in 2013 after the sewer relay work was completed. For any new construction, it is the property owner's responsibility to connect the new building sewer to the existing public main sewers.

To the Hon. Common Council
October 17, 2013
Page 2

The City of Milwaukee was not negligent with the handling of the sewer lateral; therefore the city is not legally liable for the damages. Accordingly, we recommend this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

1029-2013-2505/196987