

December 3, 2004

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

Re: Communication from Debbie Griffiths, Risk Manager
on behalf of SBC (25200404-50-0016)
C.I. File No. 04-L-44

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimant, SBC, 2140 Davidson Road, 1st Floor, Waukesha, WI 53186 by Debbie Griffiths, Risk Manager allege that on April 4, 2004 the Milwaukee Water works (MWW) while repairing a water-main break at 2160 North Oakland Avenue, Milwaukee, WI damaged a conduit package containing an 1800 Pair Pulp Cable. They claim damages in the amount of \$53,187.87.

Our investigation reveals the MWW received notice of a possible main break in the area of 2210 North Oakland Avenue. A repair crew was dispatched and a request to Digger's Hotline was made for emergency locates of utilities. The MWW crew began their work and during the process the SBC conduit was struck and damaged. The MWW felt there was an error when they began to work without clarification from SBC as to the location of their conduit. In addition, SBC has agreed to share in the responsibility for this damage because they did not respond to the MWW emergency locate request until after the damage was done to their cable.

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Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this claim in the amount of \$25,000.00 and have enclosed the appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
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