

August 28, 2003

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

Re: Communication from Pam Moore, Subrogation Specialist  
on behalf of Journey House, Inc.  
C.I. File No. 03-L-40

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, Journey House, Inc., 1900 West Washington Street, Milwaukee, WI 53204, alleges through CNA Insurance Company, by its representative Pam Moore, Post Office Box 105233, Atlanta, GA 30348-5233 as subrogee that on September 23, 2002 a City water main broke and caused damages to the claimant's property located at 2212 West Greenfield Avenue. They claim damages in the amount of \$33,488.33.

Our investigation reveals that this claim was filed on March 14, 2003. Wisconsin Statute §893.80(1)(a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not filed timely. In addition, the Milwaukee Water Works records indicate that they were informed of a possible water main break at approximately 8:00a.m. on September 23, 2002. A Water Works investigator was dispatched to the scene, confirmed a break in an 8 inch water main and proceeded to shut off water at five gates. This

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was completed by 9:45 a.m.. A Distribution repair crew arrived at 10:00 a.m. and completed repairs by 1:00 p.m. The Milwaukee Water Works responded in a timely manner and followed standard procedures regarding repair. 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  
1048-2003-954:71552