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July 15, 2009

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

Re: Resolution relating to the claim of Emma Nash
C.I. File No. 09-L-52

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, Emma Nash, 2218 North 17th Street, Milwaukee, WI 53205 alleges that she sustained damages when a City sewer backed-up into her basement. She claims damages in the amount of \$6,203.40.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they responded to a call of a backwater at 2218 North 17th Street on March 5, 11, 13, 27 and 31, 2009. On each occasion, the ISD found that the City main sewer was flowing properly. On March 19, 2009 they televised the sewer with a closed circuit camera and found that the building lateral was collapsed. The ISD sent a letter to the claimant on March 25, 2009 informing her of this and advising her to hire a plumber to repair the lateral. The letter also noted that the operation and maintenance of the lateral is the responsibility of the property owner under City of Milwaukee Charter Ordinance 12.15.

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There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2009-1653:147943