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November 30, 2011

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

Re: Resolution Relating to the Claim of Cathedral Place, LLC
C.I. File No. 11-L-57

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, Cathedral Place, LLC, by its representative Van Buren Management, 788 North Jefferson Street, Suite 800, Milwaukee, WI 53202 alleges that in April, 2011 they sustained damages when a City water main leaked and caused water to back up into the elevator pit of their property located at 555 East Wells Street. They claim damages in the amount of \$12,488.93.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on April 19, 2011 at 3:00 p.m. they received a call from the claimant's property management company regarding water in the elevator pit at 555 East Wells Street. They dispatched a field investigator who took a water sample to test for the presence of City water. The test found that City water was present. The next day, while the MWW was engaged in activity to repair a City branch leak at this location, they determined that the branch leak was possibly on the claimant's side of the property. The MWW instructed the claimant to hire a plumber to make the necessary repairs. The claimant contacted Rozga Plumbing.

The MWW received a request from the plumber, on April 25, 2011 at 11:05 p.m., to turn off the water for temporary repairs at this location. A field investigator responded and also turned the water on after the repairs were completed. However, the leakage into the elevator pit was not stopped, and the investigation continued.

On May 2, 2011 the MWW distribution supervisor conducted a leak correlation with sound equipment to check for possible leaks on the water main. They excavated to

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expose the best possible location to identify the leak. Although the MWW heard sound, they were unable to pinpoint the exact location of the leak. After further review, the MWW discovered a possible leak 20 feet west of North Jefferson Street, in the area of 520 East Mason Street. They contacted Digger's Hotline to mark the underground facilities. A MWW distribution crew responded and made the repairs on the City main. This stopped the water accumulation in the claimant's elevator pit.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$12,488.93 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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