

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

May 8, 2007

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

Re: Resolution relating to the Claim of School Sisters of St. Francis
Through James R. Weir Insurance Agency, Inc., by its representative,
James R. Weir
C.I. File No. 06-L-95

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, School Sisters of St. Francis, 1545 South Layton Boulevard, Milwaukee, WI 53215, alleges through James R. Weir Insurance Agency, Inc., by its representative Jay P. Weir, P.O. Box 1146, Mankato, MN 56002 that on October 25, 2006 a City water main break caused water and sewage to back-up into the claimant's basement. They claim damages in the amount of \$87,847.69.

Our investigation reveals that the Milwaukee Water Works records indicate that on October 24, 2006 at 7:57 p.m. they received a report that the claimant's basement was flooding. They dispatched a field investigator to the area who confirmed a break in a 6-inch water main in South 29th Street, and immediately shut off the water. They contacted Digger's hotline at 9:48 p.m. to mark the underground facilities. A Water Works distribution repair crew arrived at 11:00 p.m. The crew requested parking enforcement to respond for 8-10 vehicles causing an obstruction, in the 1500 block of South 29th Street. The vehicles were moved to another location so that the crew could perform the necessary repairs. The main was taken out of service at 12:00 a.m. The main was placed back in service at 10:35 a.m. on the following day. According to a distribution supervisor, the claimant's property has an underground tunnel that extends for several blocks. The main crossed the bottom of the tunnel. The main broke below it and water entered the tunnel.

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The Milwaukee Water Works was not negligent regarding their response, repair or minimization of damages. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1048-2006-3243:118847
c: Attorney Lindsay E. Dansdill