

August 28, 2003

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

Re: Communication from Catholic Mutual Group
on behalf of St. Hyacinth Church & The Archdiocese
of Milwaukee
C.I. File No.: 02-S-367 & 367-1

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.

Claimants, St. Hyacinth Church, 1414 West Becher Street, Milwaukee, WI 53215 and the Archdiocese of Milwaukee, Post Office Box 070912, Milwaukee, WI 53207 alleges through Catholic Mutual Group, by its representative Jennifer Brokmeier, Post Office Box 178, Menomonee Falls, WI 53052-0178 as subrogee that on June 4, 2002 they sustained damages when a City sewer backed-up into their basement. They claim damages in the amount of \$11,513.33.

Our investigation reveals that the Infrastructure Services Division records indicate that they received a complaint from St. Hyacinth Parish for a sewer back-up on June 4, 2002. They responded immediately and concluded that there was an internal breakdown of the building lateral. The owner was advised that this is their responsibility. They received another complaint from the parish on March 20, 2003. They responded immediately and concluded that the lateral was not connected to the existing 12-inch diameter combined sewer in West Becher Street but it is connected to the 96-inch diameter combined sewer. This sewer was previously abandoned and the lateral capped by Super-Excavator, who was the sewer contractor for a replacement and relocation contract awarded in January 2000. The City reviewed a pre-construction closed circuit

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televised sewer examination performed in November 1997 and it showed the active lateral connected to the sewer that was previously abandoned. This video tape was available at the time of the construction. However, it was not included in the contract documents for the contractor's review. The City subsequently instructed Super-Excavator to reconnect the lateral to the 12-inch sewer and restore the pavement. Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2002-3448:71524 (St. Hyacinth Church)
1029-2002-3450:71524 (The Archdiocese of Milwaukee)