

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 Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 4, 2008

Hon. Common Council
of the City of Milwaukee
Room 205 – City Hall
Milwaukee, WI 53202

Re: Settlement of Lawsuit Entitled *Church Mutual Insurance Company (Antioch Missionary Baptist Church) v. City of Milwaukee, American Sewer Services, Inc., General Casualty Company of Wisconsin*; Case No. 07CV001960

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

The plaintiff is the insurer for the Antioch Missionary Baptist Church which is located at 2033 West Congress in the City of Milwaukee. The City contracted with a private contractor to replace a section of sewer in the vicinity of the church. On December 9, 2003, in the process of excavation to perform this work, the contractor struck a water main. This resulted in the flooding of the church property. It had been the City's responsibility to prepare plans showing the location of that main, however, in preparing the plans, the City negligently failed to indicate the location of the water main on the plans.

The total amount for the cleaning and repair of the church property, including the church's \$1,000 deductible, far exceeds the \$50,000 statutory limitation for tort claims against the City. The insurer and its insured, however, have agreed to accept in settlement the maximum amount of the statutory liability amount, \$50,000.

Hon. Common Council
February 4, 2008
Page Two

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this proposed settlement amount and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

GFL:JAS:enm
Enc.

1029-2007-2119/124978