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June 10, 2013

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

Re: Communication from WILLIE LYONS, III
C.I. File No. 1048-2013-1219

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, Willie Lyons, III, 3327 North 24th Place, Milwaukee, WI 53206 alleges that the Milwaukee Water Works had previously done repair work at/near his property located at 3438 North 39th Street and that as a result, the claimant's sewer lateral had been damaged. On March 21, 2013 there was a sewer back up into the basement of his property. He claims damages in the amount of \$7,349.50.

The Milwaukee Water Works (MWW) records indicate that on November 13, 2012 they were engaged in repair activity at 3438 North 39th Street. On March 23, 2013 at 2:03 p.m. their control center received a call from the claimant's plumber regarding damage to the sewer lateral at this address. A MWW distribution field investigator responded to the site to determine the exact location of the break. He observed damage to the sewer lateral in an area that was a MWW excavation site. After further review, it was confirmed that the MWW was unaware that their equipment hit and damaged the claimant's sewer lateral as a result of their previous repair activity. The claimant has agreed to accept a compromise settlement of \$5,549.50.

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Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$5,549.50 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

1048-2013-1219/192656