

October 21, 2004

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

Re: Communication from Erma Mills
C.I. File No. 04-L-116

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, Erma Mills, 3226 West Fairmount Avenue, Milwaukee, WI 53209 alleges that on May 14, 2004 she sustained damages when a City sewer backed-up into her basement. She claims damages in the amount of \$5,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they did not investigate the actual backwater at this location, but were notified of this incident at the Town Hall Meeting that was held on May 24, 2004 at the West Villard Library. The 3200 block of West Villard Avenue had no previous history of any surcharges and there were no other

Erma Mills
October 21, 2004
Page 2

reports of backwater in this block for the May 14, 2004 event. The City had no knowledge of this alleged incident and was not negligent, as such, we cannot accept liability and recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-2678:86509