

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

June 26, 2007

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

Re: Resolution relating to the Claim of Lorette Russenberger
Through General Casualty
C.I. File No. 06-L-64

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, Lorette Russenberger, 430 West Vliet Street, Milwaukee, WI 53212 alleges through General Casualty, by its representative Therese Shaw, One General Drive, Sun Prairie, WI 53596 as subrogee that their insured sustained damages to their property located at 440 West Vliet Street when their sanitary sewer lateral was damaged by a new hydrant branch which had been installed, without knowledge of the existence of the lateral, directly above it. They claim damages in the amount of \$12,4424.64.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that they hired a contractor for a water main relay project in West Vliet Street in the area of North 4th to North 6th Streets. The work was scheduled to begin on May 3, 2006. Prior to this, the MWW had received drawings from the Infrastructure Services Division-Sewer Maintenance for sewer services on West Vliet Street between North 4th and North 5th Streets. The drawings did not show an existing service for the claimant's property in the exact location for the hydrant installation. As a result, the MWW produced drawings for their contractor which also did not show an existing service. The hydrant branch was then installed.

Shortly after the hydrant branch was installed, the claimant had a sewage backup. The contractor excavated and found the lateral 1½ feet below the hydrant branch. The 100 year old lateral was in poor condition and portions of the bottom of it were missing. The claimant was notified that the lateral was in poor condition, it needed to be replaced and to call a plumber to perform the repairs. The operation and maintenance of sewer laterals

To the Hon. Common Council
June 26, 2007
Page 2

are the responsibility of the property owner under City of Milwaukee Charter Ordinance 12.15. A plumber was hired. Before the work began, the City agreed to remove and relocate the hydrant, leave the excavation open for the plumber and then replace the walk, curb and asphalt pavement. The City also agreed to pay for 4-6 feet of lateral that had been damaged during installation of the hydrant branch.

The claimant's insurance company has agreed to accept \$6,259.66 which represents the approximate costs of the assessment and repair of only the section of lateral damaged by the installation. Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$6,259.66 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
1048-2006-2230:120690