

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Special Deputy City Attorneys



**OFFICE OF CITY ATTORNEY**  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 286-8550

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**HAZEL MOSLEY**  
**HARRY A. STEIN**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**MICHAEL G. TOBIN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**DAVID R. HALBROOKS**  
**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**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

**Assistant City Attorneys**

May 1, 2002

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

Re: Communication from American Family Insurance Group  
on behalf of Janice Henderson  
C.I. File No. 02-L-45

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, Janice Henderson, 4867 North 58<sup>th</sup> Street, Milwaukee, WI 53218 by American Family Insurance Group, Post Office Box 2927, Milwaukee WI 53201-2927, alleges that on March 8, 2002, backwater and/or a clogged riser caused damages to her property at 4867 north 58<sup>th</sup> Street. They claim damages in the amount of \$10,500.00.

The Infrastructure Services Division records indicate this incident was investigated on March 12, 2002 and they advised the claimant's plumber to clean the sewer lateral. On March 14, 2002 the claimant's plumber indicated the lateral had been cleaned and problems still existed. The Division made an excavation to clear and repair the riser. Upon excavating the riser, the owner's portion of the lateral was found to have extensive roots within it. The City removed these roots and installed access so if any problem like this occurs in the future, it can be more readily determined. Neither the claimant nor her plumber was billed for this work. Our investigation reveals that since tree roots can only invade sewers that are broken, cracked or have failing tile grout, it seems evident that the sewer lateral had some structural deficiencies.

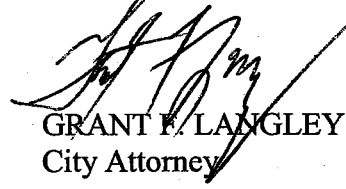
To the Hon. Common Council

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Tree roots do not cause such external damage to the sewer and therefore the City is not liable for this loss. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure