

February 5, 2004

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

Re: Communication from Angelo Fallucca
on behalf of Palermo Villa, Inc.
C.I. File No. 03-L-151

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, Palermo Villa, Inc. 551 West Historic Mitchell Street, Milwaukee, WI 53204 through Angelo Fallucca, Vice President, allege that they sustained damages to their Sanitary Sewer Lateral on or about January 9, 2002 at the property located at 800 West Maple Street. They claim damages in the amount of \$5,180.00.

Our investigation reveals the Infrastructure Services Division investigated a void in the roadway on July 16, 2003 at this location. The void was caused by a defective building lateral that services 800-22 West Maple Street. Palermo Properties, LLC was notified of the defective building lateral and their responsibility for repair per Milwaukee Charter Ordinances §12.15. The claimant's plumbing contractor repaired the lateral. After the repair was completed the claimant's plumbing contractor alleged that the Milwaukee Water Works (MWW) may have damaged the lateral during repair work related to a previous water main break.

The MWW records indicate that on January 9, 2002 they repaired a six-inch water main in the area of 800 West Maple Street. The MWW followed standard procedures for water main breaks

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and was not aware of any problem with the claimant's sewer lateral during this repair. A water works supervisor investigated this claim and determined that the damage was not caused by the MWW water main repair which was completed twenty months earlier. The Infrastructure Services Division followed standard procedures in this matter and the MWW was not negligent with respect to their response time, manner of repairs or attempts to minimize consequential damages and, therefore, the City is not legally liable for the events giving rise to 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
1048-2003-3757:77377