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December 5, 2006

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

Re: Resolution relating to the claim of Multicultural Community Services  
By West Bend Mutual Insurance Company  
C.I. File No. 06-L-40

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, Multicultural Community Services, 5174 North Hopkins Street, Milwaukee, WI 53209, alleges through West Bend Mutual Insurance Company, by its representative Adam Knickmeyer, P.O. Box 620976, Middleton, WI 53562 as subrogee, that on April 3, 2006 their insured sustained damages when sewage backed-up into their basement. They claim damages in the amount of \$8,413.00.

Our investigation reveals that the Milwaukee Water Works records indicate that at 9:50 a.m. on August 24, 2005 they received a citizen report of a water leak in the street at North 40<sup>th</sup> Street near West Villard Avenue. A distribution repair crew responded to the location, shut off the water and began the necessary repairs at 5174 North 40<sup>th</sup> Street. During this process, the crew was unaware that they inadvertently damaged the claimant's sewer lateral. On April 3, 2006 the claimant sustained damage due to a sewer back-up. It was agreed that the claimant's sewer lateral had been damaged as a result of the previous Water Works repair work and that this was the cause of the sewer back-up.

Honorable Common Council

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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 \$8,413.00 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

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