

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

January 25, 2010

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

Re: Resolution Relating to the Claim of MICHAEL & CHERYL KRZEWINSKI
C.I. File No. 09-S-313

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced into and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, Michael G. and Cheryl L. Krzewinski, 8527 West Holt Avenue, Milwaukee, WI 53227, allege that they sustained damage to their home's basement and personal property in it on July 9, 2009 due to water backing up into their home that was caused by a water main break. They claim damages in the amount of \$19,971.26.

Our investigation reveals that the Milwaukee Water Works (MWW) received a report of a leak and water in the basement at 3424 South 86th Street. A MWW field investigator was dispatched and a possible break in an 8-inch water main was confirmed in the area of South 86th Street and West Holt Avenue. The MWW contacted Digger's Hotline and repair activities were subsequently commenced. The main was repaired and placed back in service later that day.

The basement backup occurred in this situation because the main ruptured near to a sewer manhole chimney. The water broke through the chimney and then travelled down to the sewer and back up into the homes.

The Sewer Maintenance Section (SMS) reviewed their records relative to this situation. The SMS investigated several backwaters in the 3300 and 3400 blocks of South 86th Street. The SMS sewer jet vac cleaned the sanitary and storm sewers and restored them

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to proper working order. The sanitary sewer is on a regular cleaning schedule and was last cleaned on April 29, 2008.

The City was not aware of any problems with the manhole chimney prior to this incident and inspects all manhole chimneys in the City on a five-year cycle. Manhole chimneys in the subject area were scheduled to be inspected in 2010.

Since the sewer is on a regular cleaning schedule, the manhole chimney is on a regular inspection cycle, and the MWW responded to the water main break in a timely manner and followed standard procedures, we recommend denial of the claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

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Enclosure
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