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August 15, 2017

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

Re: C. I. File No. 1068-2017-1496
Communication from: Ray Flaherty
3536 County Road LL
Port Washington, WI 53074-9747

Dear Common Council Members:

Ray Flaherty alleges that roots from a City tree damaged the sewer lateral at his property located at 5726 North 32nd Street. Claimed damages total \$5,600.00.

Infrastructure Services Division (ISD) records indicate that backwater was reported on June 12, 2008. ISD responded and found the City main sanitary sewer to be in proper working order. After receipt of this claim, they again inspected the City main sanitary sewer and found that it was working properly. The sewer is on a regular cleaning schedule.

Forestry Section records indicate that a City tree was removed in 2007; the address was replanted in 2008. They also found no requests for service regarding roots in the sewer lateral. They note that tree roots enter sewer laterals only when the lateral has been previously damaged by other factors such as settling soil or aging. Maintenance of sewer laterals is the responsibility of the property owner under City Charter Ordinance 12.15.

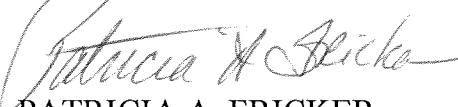


Honorable Common Council
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There is no evidence that the city was negligent in this matter. As such, the city would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,


GRANT LANGLEY
City Attorney


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Assistant City Attorney

PAF:mal

Enclosure

c: Robert Brooks (Infrastructure)
Jeffrey Kluslow (Forestry)

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