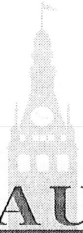


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May 16, 2023

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

RE: Communications from Roy Rockette
C. I. File. No. 1048-2023-273

Dear Sir or Madam:

Roy Rockette owner at 6624 W. Fiebrantz Avenue, alleges that on December 24, 2022, he sustained more than a foot of sewer back up in his basement. Mr. Rockette submitted a damage claim for \$15,028, for repairs, sewage cleanup, restoration, and replacement of appliances including but not limited to; washer, dryer, water heater, furnace, lodging accommodations and personal items. Mr. Rockette also submitted a claim to his primary homeowners' insurance, Safeco Insurance – A Liberty Mutual Company which paid \$10,000 for cleanup.

We have completed an investigation into this matter with both Milwaukee Water Works and Infrastructure Services Division - Sewer Maintenance. Our investigation reveals that on December 23, 2022, Milwaukee Water Works (MWW) responded to a main break located in the intersection of N. 67th Street and W. Fiebrantz Avenue. MWW reported the 8" water main sustained approximately 10' of damage that resulted in an extraordinary amount of water free flowing onto the street and the sewer main.

MWW crew throttled the 8" main and placed it out of service by 9:19pm. MWW contracted Mid-City Corporation to complete repairs and the main was placed back in service. MWW further evaluated data prior to the December 23, 2022 water main break, and that evaluation included tracking the frequency of breaks. The data did not support replacement of this segment of the water main.

Further investigation revealed that Sewer Maintenance responded to two calls regarding a water main break in the vicinity at N. 67th Street and W. Fiebrantz Avenue that also caused damage to the sanitary sewer manhole and 8" sanitary sewer main in that area. The first call reported surface flooding at 4063 N. 67th Street and the second call reported



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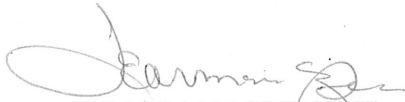
backwater at 4103 N. 67th Street (C.I. File No. 1029-2023-503). There was no other sewer work at or near this location.

On December 24, 2022, Sewer Maintenance conducted cleaning and repairs to the City sewer main and it was returned to proper functioning order.

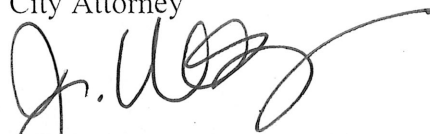
Mr. Rockette filed his notice of claim on January 24, 2023, and our independent appraisers completed an inspection of the property on March 1, 2023. Damages were assessed at \$29,413.91. (\$18,816.20 ACV+\$10,597.71 insurance subrogation)

It is our view that the City is not liable for damages in this case. Both Milwaukee Water Works and Infrastructure Sewer Maintenance responded to calls in the area and made repairs in a timely manner. As such, we recommend that the claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



JENNIFER L. WILLIAMS
Deputy City Attorney

TS/JW/MG/cdr

Enclosures

1048-2023-273:285165