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December 6, 2011

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

Re: Resolution Relating to the Claim of Michael Paynter  
C.I. File No. 11-L-64

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, Michael Paynter, 2924 North 82<sup>nd</sup> Street, Milwaukee, WI 53222 alleges that a fire hydrant had been improperly installed in the 2900 block of North 82<sup>nd</sup> Street, and that as a result, the City sewer line was clogged. After some rain on June 21, 2011, the sewer backed up into his basement. He claims damages in the amount of \$14,413.84.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on June 21, 2011 they were engaged in activity to replace a fire hydrant at 2940 North 82<sup>nd</sup> Street. During this process, their distribution crew backfilled the excavation site with crushed limestone chips. They later blacktopped the area with a temporary asphalt patch. Subsequently, the Department of Public Works – Sewer Maintenance received and responded to several backwater complaints in the 2900 block of North 82<sup>nd</sup> Street. They determined that the City sewer was working properly and that sewer laterals in the area were clogged with gravel. The MWW crew was unaware that, due to heavy rains, some of the limestone chips had entered and clogged the laterals. This caused the back up into the claimant's basement.

Subsequently, the claimant's basement was inspected by our independent appraiser and the damages were reviewed. He evaluated the damages to be \$10,707.04. The claimant has agreed to accept this amount in settlement of his claim.

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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 \$10,707.04 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
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