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August 22, 2006

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

Re: Resolution relating to the claim of AT&T (25200606-50-0141)
By Debbie Griffiths, Risk Manager
C.I. File No. 06-S-208

Dear Council Members:

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

Claimant, AT&T, by its representative Debbie Griffiths, Risk Management Office, 2140 Davidson Road, Floor 1, Waukesha, WI 53186 alleged that on June 22, 2006 their 400 and 100 pair telephone cable near 2469 South Chase Avenue was damaged when the City removed a tree stump in the area. They claim damages in the amount of \$6,793.11.

Our investigation reveals that the Forestry Division records indicate that the location was requested to be marked by Diggers Hotline Ticket #20062514272, with a starting date of June 20, 2006. The crew found no marking at this location on June 22, 2006. They proceeded to remove the stump. Once the damage to the cable was noticed the crew stopped and informed the South Forestry Field Office.

After the cable was damaged the Diggers Hotline utility marker, SM&P, was observed marking the utilities in the proximity of the damaged cable and tree stump.

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There is no evidence indicating 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 F. LANGLEY
City Attorney

MICHAEL G. TOBIN
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MGT:beg
Enclosure
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