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February 2, 2009

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

Re: Resolution relating to the claim of Euranna Odom  
C.I. File No. 08-L-342

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, Euranna Odom, 5822 North 35<sup>th</sup> Street, Milwaukee, WI 53209 alleges that on June 7, 2008 she sustained damages when a City sewer backed-up into her basement. She claims damages in the amount of \$18,288.32.

Our investigation reveals that this claim was filed on December 9, 2008, Wisconsin Statute §893.80 (1) (a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not filed timely. In addition, the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of the rain during the weekend of June 7, 2008, the City experienced flows that exceeded the capacity of the sewer systems. This alleged incident was not reported to or investigated by the ISD at that time. The City checked the sewer

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main as a result of Ms. Odom's claim and found it to be in proper working order. The City was not 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

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2008-3711:142215