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December 21, 2006

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

Re: Resolution relating to claim of Anna Maria D'Amico-Oelschalger and
Antoinette D'Amico
C.I. File No. 06-L-79 and 79-1

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.

Claimants, Anna Maria D'Amico-Oelschalger and Antoinette D'Amico, 7829 Sherman Court, Cedarburg, WI 53012 allege that in 1997 a new box sewer was installed by a contractor in the street in front of their commercial property at 111-117 East Mineral Street. The contractor did not connect their sanitary lateral to the box sewer. The claimants were not aware of this until 2004 after a new tenant had rented the property and it was inspected by the City. They claim damages in the amount of \$12,918.00.

Our investigation reveals that Infrastructure Services Division records indicate that during a 1997 sewer reconstruction project the claimant's lateral was encountered and the contractor made an incorrect assessment that it was full of concrete and thus not in service. The City inspector accepted the assessment and the decision was made to not connect the lateral. Several years later the building was put into active use and the claimants then had to connect the lateral to the sewer main to correct the error that occurred during the 1997 sewer project.

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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 \$12,918 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY

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Assistant City Attorney

MGT:beg:ms

Enclosure

1029-2006-2751:112975