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February 13, 2008

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

Re: Resolution relating to the claim of Irgens Development Partners, LLC
By Suzanne Zakry, its representative
C.I. File No. 05-L-140

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, Irgens Development Partners, LLD, by its representative, Suzanne Zakry, Assistant Property Manager, 10201 Innovation Drive, Suite 600, Milwaukee, WI 53226 alleges that on February 9, 2005 they sustained damages when a City water main broke and caused water to back-up into a building they manage located at 648 North Plankinton Avenue. They claim damages in the amount of \$12,233.30.

Our investigation reveals that this claim was filed on September 23, 2005. 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 Milwaukee Water Works records indicate that on February 9, 2005 at 7:40 a.m. they received a report of a flood at 648 North Plankinton Avenue. A field investigator dispatched to the location confirmed a break in an 8 inch water main in the area of 111 West Michigan Street and proceeded to shut off the water. A distribution

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repair crew arrived at 8:30 a.m., and notices were served to property owners by 10:00 a.m. The crew back-filled and blacktopped the excavation with a temporary asphalt patch that day. The Milwaukee Water Works was not negligent regarding their response, repair of, or minimization of damages. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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JAS:beg
Enclosure
1048-2005-2612:128938