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July 8, 2011

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

Re: Resolution Relating to the Claim of SHARON MEGNA
C.I. File No. 11-L-25

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, Sharon Megna, 1618 West 55th Street, West Milwaukee, WI 53214, alleges that the Milwaukee Water Works had previously not properly turned off the water to her property located at 2616 North Hubbard Street and that she sustained damages when the meter burst. She claims damages in the amount of \$13,455.00.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on October 26, 2009 the claimant called their customer service department regarding a turn off request, due to a foreclosure, at 2616 North Hubbard Street. The MWW dispatched a field investigator who responded, located the stop box and turned off the water at the curb stop. On December 23, 2009, before initiating a final bill, they investigated to determine if there was additional water usage. The MWW noticed that the property was vacant and observed a lock box on the front door. They confirmed that the water status was off and obtained an electronic reading. On July 28, 2010, the MWW received a call from the claimant who just had questions about her water account. On December 15, 2010 a title company called the MWW just to inquire about the property. On January 28, 2011 the claimant reported to the MWW that there was flooding at her vacant property. A MWW field investigator responded that day and confirmed that the water was off at this location. On February 1, 2011 the claimant reported a burst meter at this property. A mutually agreed upon appointment was set for February 8, 2011. On that day the MWW conducted a burst meter investigation and confirmed that the water was off at the curb stop. They exchanged the meter and initiated the burst meter charge for this account. On February 10, 2011 the claimant called the MWW with general questions

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about her water account. On February 25, 2011 the claimant informed them that she sold the property the previous day.

The MWW notes that whenever an owner makes a request to turn off the water at a property, it is the MWW policy to inform the owner that they have to make sure that the water is off. It is also the owner's responsibility to check their property and notify the MWW if the water is not off. Their crews do not go inside the property when responding to turn off requests or conducting street repair activity. It is also the owner's responsibility to protect pipes and the water meter from damage during the cold winter months. The MWW records show that when their crews responded to this property, the claimant was not present and there was no evidence of standing water or flooding.

The MWW was not negligent in this matter. As such, the City would not be held liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
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JAS:ms
Enclosure
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