

September 22, 2003

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

Re: Communication from Patricia Kost  
C.I. File No. 03-L-103

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, Patricia Kost, 301 East Waterford Avenue, Milwaukee, WI 53207-4431 alleges that on or about May 1, 2003 she incurred costs for the repair of the sewer lateral caused by negligence of the City. She claims damages in the amount of \$6,200.00.

The infrastructure Services Division records indicate they investigated a backwater complaint at this location on May 1, 2003. They found the sewer main was operating properly. The lateral, which is the property owner's responsibility was clogged. Division personnel recommended that the owner hire a plumber to clean the lateral. The division had one other recorded backwater incident at this location on August 1, 2002, which was caused by a clogged sewer lateral. The City received no other complaints from homeowners in the area for the dates in question.

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It appears the problem was with the claimant's sewer lateral, and as such, the City cannot accept liability. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1029-2003-2641:72429