

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**MICHAEL G. TOBIN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**VINCENT J. BOBOT**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN M. ZALEWSKI**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

April 16, 2007

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

Re: Resolution relating to the claim of Michael Balistriere  
C.I. File No. 06-L-65

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, Michael Balistriere, 1512 North 65<sup>th</sup> Street, Milwaukee, WI 53213 alleges that a water main leak eroded soils causing a Milwaukee Metropolitan Sewerage District sewer pipe to settle and crush the sanitary sewer lateral to his property located at 5018 West State Street. He claims damages in the amount of \$16,960.00.

Our investigation reveals that this claim was filed on August 21, 2006. The damage to the lateral was discovered on January 3, 2006. 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 January 3, 2006 they received a report to check for a possible leak in a contractor's ditch near the location of North 50<sup>th</sup> Place and West State Street. A distribution crew responded that same day and subsequently repaired the water main.

To the Hon. Common Council  
April 16, 2007  
Page 2

Prior to this complaint, the Milwaukee Water Works had no notice of this problem and because of this lack of notice the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1048-2006-2301:117820