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August 29, 2024

To the Honorable Common Council of the City of Milwaukee Room 205 - City Hall

RE:

C.I. File No. 1048-2024-213

Communications from TANYA MIRANDA

Dear Sir or Madam:

Tanya Miranda alleges on or about the week of August 13, 2023, during a sewer repair performed in the street in front of her home, she sustained water sewer back up from gravel that pushed into her pipes underneath her porch and caused damage in her basement at 1913 S. 29th Street.

We have completed our investigation into this matter with Milwaukee Water Works (MWW) and Infrastructure Services Division that included both Street and Sewer Maintenance. Our investigation determined that on April 10, 2023, MWW responded to a leak in the street and performed work within the public right away at 1913 S. 29th Street. The public side lead lateral water service was replaced with copper, the excavation was backfilled and temporarily restored with cold mix asphalt, and a referral was made to Street Maintenance for final restoration.

Street Maintenance reported to the location during that week to complete the final restoration and that process did not require any excavation or digging. Furthermore, all work performed was over public right away approximately 20 feet away from the alleged damage location.

On August 15, 2023, MWW reported they responded to a call from the claimant regarding sewage back up at the subject location and exposed the sewer line near the curb stop. There was no damage at or around the area of the previous repair.

HEIDI WICK SPOERL KATHRYN Z. BLOCK THOMAS D. MILLER PETER J. BLOCK PATRICK J. MCCLAIN JOANNA FRACZEK HANNAH R. JAHN MEIGHAN M. ANGER ALEXANDER R. CARSON **GREGORY P. KRUSE ALEXANDER T. MUELLER** ALEXANDER D. COSSI LISA A. GILMORE KATHERINE A. HEADLEY SHEILA THOBANI STACY J. MILLER JORDAN M. SCHETTLE THERESA A. MONTAG **ALEXANDER E. FOUNDOS** TRAVIS J. GRESHAM JENNIFER L. WILLIAMS KYLE W. BAILEY JOSEPH M. DOBBS WILLIAM K. HOTCHKISS CLINT B. MUCHE **ZACHARY A. HATFIELD** MEGHAN C. MCCABE MARIA E. MESOLORAS CYNTHIA HARRIS ORTEGA Assistant City Attorneys



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On August 16, 2023, Sewer Maintenance responded, checked the main sewer, and found it in proper working condition.

On September 25, 2023, MWW further reported the utility hired Heiden plumbing to snake the sewer line. Damage and deterioration was confirmed to the concrete sewer underneath the front porch steps of the residence, which was not anywhere near the work performed by MWW. Ms. Miranda was informed that she was responsible for the repairs.

October 3, 2023, the City's sewer was televised to check the building lateral connection at the claimant's property. The exam showed a good connection with no visible issues within the sewer. Additionally, Sewers reported there were no other calls and no other work completed at the subject location.

City appraisers completed an inspection at the subject location and provided an estimate for damages to be \$41,247.95.

It is our position that there is no evidence that the City is liable for damages. The City took action as soon as it was informed of the leak and performed repairs in a timely matter. As such, the City is not liable damages in this case and we recommend that the claim be denied.

Very truly yours,

EVAN C. GOYKE

City Attorney

JULIE P. WILSON

Julie P. Whon

City Attorney

ECG/JPW/MTG/cdr

Enclosures

1048-2024-213/292405