

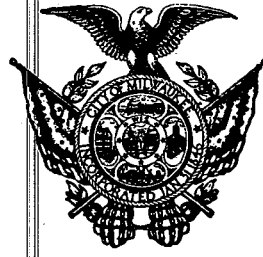
CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

February 23, 2001

To The Honorable Common Council
Of the City of Milwaukee
Room 205 - City Hal

Re: Communication from Lisa Phillips
C.I. File No. 00-L-7

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.

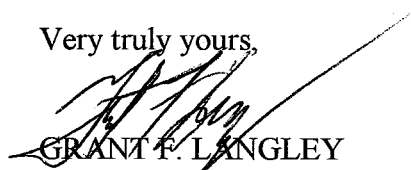
Claimant, Lisa Phillips, 1330 North 55th Street, Milwaukee, WI 53208 on her own behalf alleges that on August 17, 2000 a sewer backup occurred in the basement of her home due to roots from a City owned tree infiltrating and damaging the sewer lateral. She claims damages of \$14,100.00 for replacement of her sewer lateral.

The Forestry Division and Infrastructure Services investigated this matter. Root growth into a sewer lateral only occurs where the sewer has first been damaged by other factors such as soil settling or aging. The claimant's sewer lateral was installed in 1925-26. Photographs provided by the claimant indicate the lateral was collapsed, deteriorated,

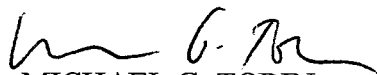
and infiltrated with tree root for most of its length from the house to the sewer main under North 55th Street. Home owners are responsible for sewer laterals from the house to the sewer main connection.

The City of Milwaukee is not responsible for this loss and cannot be held liable. We recommend denial of this claim.

Very truly yours,



GRANT F. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT: beg
Enclosure
11643