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September 2, 2009

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

Re: Resolution relating to the claim of Frank Fuchsberger  
Through his attorney, Law Office of Daniel W. Stevens  
C.I. File No. 09-L-76

Dear Council Members:

We return the enclosed document which as been filed with the City Clerk and ask that it be introduce and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Frank Fuchsberger, 3952 North 62<sup>nd</sup> Street, Milwaukee, WI 53216 alleges through his attorney, Law Office of Daniel W. Stevens, Centre of Brookfield, 14380 West Capitol Drive, Brookfield, WI 53005 that on or about June 18, 2009 he sustained damages when a sewer maintained by the City at or near Dineen Park backed up into his property. They claim damages in the amount of \$30,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of the rain during the June 18, 2009 flood, the City experienced flows that exceeded the capacity of the sewer systems. The ISD checked the City main sewer as a result of Mr. Fuchberger's claim and found it to be

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in proper working order. In addition, the culvert box sewer in this area is maintained by Milwaukee County. The City was not negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
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