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August 24, 2007

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

Re: Resolution relating to the claim of Elliott Torrence
C.I. File No. 07-S-75

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, Elliott Torrence, 7732 West Burleigh Street, Milwaukee, WI 53222, alleges that on February 28, 2007 he sustained damages due to a City water main break. He claims damages in the amount of \$34,478.82.

Our investigation reveals that the Milwaukee Water Works records indicate that on February 28, 2007 at 6:15 p.m. they received a call from the claimant to turn off the water at 7732 West Burleigh Street due to flooding at his business. They immediately dispatched an investigator who responded and confirmed a break in a 6 inch water main in North 78th Street, 30 feet north of West Burleigh Street. The investigator conducted an emergency shut off. After the area was marked, a crew began excavation and repair at 9:30 p.m. The repairs were completed and the main placed back in service at 3:00 a.m.

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The Milwaukee Water Works was not negligent regarding their response, repair or minimization of damages. As such, 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
1048-2007-808:122639