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November 14, 2011

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

Re: Resolution Relating to the Claim of BRIAN and SUZANNE KREUZIGER
C.I. File No. 11-L-80

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.

Claimants, Brian and Suzanne Kreuziger, 706 West Rock Place, 2nd Floor, Glendale, WI 53209, allege that their basement and its contents for a property located at 2000 West Hampton Avenue were damaged when there was a sewer back-up on June 9, 2011. They seek damages, clean up costs and other miscellaneous costs in the amount of \$6,193.12.

Our investigation reveals that the Sewer Department reviewed their records regarding this incident. The subject property is directly connected to the sanitary sewer manhole that contains a bypass pump. The flap gate was inspected on May 17, 2011 and it was found to be operating properly. The Sewer Department responded to a backwater call on the date in question. The flap gate was found to be stuck in a position that prevented it from closing. The gate was replaced on June 10, 2011. The City had no notice of this condition prior to this incident and because of this lack of notice it cannot be held liable. We recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
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JAS:ms
Enclosure
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