

August 5, 2004

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

Re: Communication from American Family Insurance Group  
On behalf of Jason & Beth Weber  
C.I. File No. 04-L-82-1

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, Jason and Beth Weber, 6321 North 101<sup>st</sup> Street, Milwaukee, WI 53225 through insurance carrier American Family Insurance Group, P.O. Box 2927, Milwaukee, WI 53201-2927 as subrogee alleges that on May 22, 2004 their insureds' sustained damages when a City sewer backed up into their basement located at 6321 North 101<sup>st</sup> Street. They claim damages in the amount of \$5,988.42.

Our investigation reveals that Infrastructure Services Division records indicate that they investigated a backwater at 6321 North 101<sup>st</sup> Street on May 22, 2004 and found the Milwaukee Metropolitan Sewerage District interceptor sewer to be surcharged causing the City main sanitary sewer to back-up into the basement. Saturated ground conditions and severe rain that

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occurred on this date resulted in flows that exceeded the capacity of the system. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
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