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June 14, 2012

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

Re: Resolution Relating to the Claim of Nasir Khan  
C.I. File No. 12-L-23

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, Nasir Khan, 1535 West Goldcrest Avenue, Milwaukee, WI 53221, alleges that on November 9, 2011 he sustained damages when a City sewer backed up into the basement of his property. He claims damages in the amount of \$23,276.07.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on November 9, 2011 they responded to a call of a backwater at 1535 West Goldcrest Avenue. The ISD found that the City main sewer was clogged with calcium and roots. There was also part of a manhole seal bracket stuck in the sewer. ISD does not know where the bracket came from or how it got into the sewer line. They removed it when they responded to the complaint; using a jet-vac, ISD also opened the clog, cleaned the sewer and restored it to proper working order.

This sewer is on a regular cleaning schedule. It was last cleaned only months prior to this incident, on July 12, 2011. It was also video examined then and found to be in good condition; the bracket was not in the sewer line at that time and only light dirt and roots were found and then cleaned from the sewer line.

The Forestry Section indicates that, after receipt of this claim, they reviewed their records for the last 4 years and found no notice of any problems regarding tree roots and sewers/laterals in the 1500 block of West Goldcrest Avenue.

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There is no evidence that the City was 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:ms  
Enclosure  
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