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July 31, 2007

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

Re: Resolution relating to the Claim of Kenneth Basterash  
C.I. File No. 07-L-53

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, Kenneth Basterash, 2160 South Layton Boulevard, Milwaukee, WI 53215 alleges that on March 27, 2007 he sustained damages when a City sewer backed-up into his basement. He claims damages in the amount of \$8,340.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that this backwater incident was neither reported to nor investigated by them. The Department of Neighborhood Services (DNS) records indicate that, after the incident, they inspected and found that the lateral had broken at the connection with the City sanitary sewer. The operation and the maintenance of the sewer lateral is the responsibility of the property owner under City of Milwaukee Charter Ordinance 12.15.

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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

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
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