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February 24, 2010

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

Re: Resolution Relating to the Claim of THERESA PAYTON-MYRICK
C.I. File No. 09-L-139

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, Theresa Payton Myrick, 8047 North 47th Street, Brown Deer, WI 53223, alleges that on September 20, 2009, she sustained damages to when a City sewer backed up into the basement of her property located at 4753 North 19th Place. She claims damages in the amount of \$7,500.00.

Our investigation reveals that the Milwaukee Water Works-Distribution Division has no records of any recent water main breaks or repair activity in this area. In addition, their control center did not receive any recent phone calls or complaints regarding this area. The Infrastructure Services Division (ISD) records indicate that on September 20, 2009, they responded to a call of a backwater at 4753 North 19th Place. The ISD found the City main sewer to be clogged with grease. They used a sewer jet to open the clog, clean the sewer and restore it to proper working order. The sewer is on a regular cleaning schedule and was last cleaned, prior to this incident, on December 19, 2006. Because the sewer is on a regular cleaning schedule and the City did not have notice of any problems with the sewer, the City cannot be held 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
1048-2009-3426:155493

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