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January 3, 2008

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

Re: Resolution relating to the claim of Kim Driebel
C.I. File No. 07-S-329

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, Kim Driebel, 2426 Fox River Parkway, Unit G, Waukesha, WI 53189 alleges that on or about August 19, 2007 the basement of her former property located at 8701 West Auer Avenue suffered a sewer back-up due to a City tree located near her sewer lateral. Ms. Driebel claims damages in the amount of \$9,266.24.

Our investigation reveals that the Infrastructure Service Division-Underground Operations (ISD) responded to a backwater complaint on August 20, 2007 at this location. The ISD visually checked the sewer main and it appeared to be in proper working condition. The property owner was advised to contact a plumber to check the building's sewer lateral. The ISD televised the sewer on August 24, 2007 pursuant to an Aldermanic request. They found the sewer main was in good working order, but there were heavy amounts of tree roots protruding from the building lateral at this location. The City cut the roots within the sewer main. The sewer lateral is the homeowner's responsibility per §12-15, Milwaukee Code of Ordinances.

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The Forestry Section reviewed their records relative to this incident. They report that the tree's roots would not have caused any damage to the pipes, but rather they would have entered the sewer lateral only after the grout between the tiles failed or the tiles themselves had cracked. This type of damage can occur from the soil settling or compacting, or due to the lateral's age.

The City departments followed standard procedures. As such, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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JAS:beg
Enclosure
1029-2007-2483:124745
c: Kim Driebel