

CITY OF MILWAUKEE

Form CA-43

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March 8, 2004

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

Re: Communication from Ty N. & Karen L. Pendergast
C.I. File No. 03-L-156

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, Ty N. & Karen L. Pendergast, 2246 East Morgan Avenue, Milwaukee, WI 53207 allege that they sustained damage to their property located at 2246 East Morgan Avenue on or about August 20, 2003. They claim damages in the amount of \$7,209.00.

Our investigation reveals the Milwaukee Water Works (MWW) repaired a service leak at or near 2245 East Morgan Avenue on October 4, 2000. The MWW returned to the area on December 6, 2000 to repair a damaged sewer lateral that was in the repair excavation.

City crews were summoned to the claimants' property at 2246 East Morgan Avenue in August 2003 regarding a damaged sewer lateral. The Infrastructure Services Division found the City sewer main was working properly. The claimant's lateral was determined to be clogged and the owner was advised to hire a plumber to restore it to working order. The MWW also responded to the scene. The crew determined the claimants' lateral was not in the same area that they excavated on October 4, 2000.

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Since the claimants' sewer lateral was not in the previous repair excavation and the Infrastructure Services Division followed normal procedures, the City cannot accept liability in this matter. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
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MGT:beg
Enclosure
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