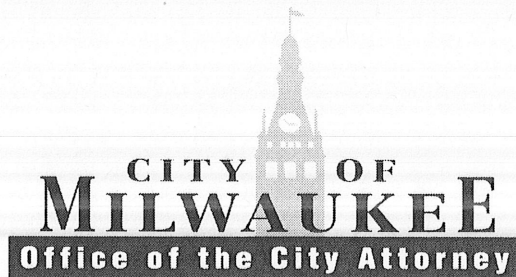


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August 6, 2024

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

RE: Communications from REBECCA KIRK
C.I. File No. 1029-2023-2025

Dear Sir or Madam:

Ms. Kirk alleges that in spring of 2023, a manhole cover sunken approximately 9 inches, coupled with lack of street maintenance that stemmed from numerous potholes on her street and driveway is the cause for her lateral to collapse underneath the road at 3350-3352 N. Cramer Street. Ms. Kirk has submitted a damage claim for repairs for \$16,026.67.

This notice of claim was filed on November 30, 2023. Wis. Stat. § 893.80(1d)(a) requires that a notice of circumstances of the claim be filed within 120 days after the happening of the event given rise to the claim. This service of notice is untimely.

We have completed our investigation into this matter with Infrastructure Services - Street and Sewer Maintenance. Our investigation reveals that on March 9, 2023, Sewer Maintenance responded to a call regarding backwater at 3350/52 N. Cramer Street and found the main sewer to be in proper working condition. Sewers advised the homeowner to hire a licensed plumber for possible sewer lateral issues. Ms. Kirk hired multiple plumbers to come out including Viking Plumbing as they could only go out approximately 60feet.

Further search of records between February 28, 2023 through April 28, 2023, revealed DPW Infrastructure Services Division received no calls for street repairs from the 3300 block through the 3400 block of North Cramer. Records also revealed in 2022, an overall Pavement Quality Index (PQI) at 3350 N. Cramer Street received a rating of 46.6 out of 100, and the City has many streets below this PQI of which none to date have contributed to a collapse of a private sewer lateral.



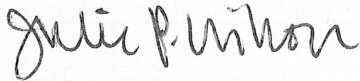
To The Honorable Common Council
Of the City of Milwaukee
August 6, 2024
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It is our position that there is no correlation between the condition of the road surface and vehicle loadings 10ft above the surface of the lateral. The City is not liable for damages and we recommend that the claim be denied.

Very truly yours,



EVAN C. GOYKE
City Attorney



JULIE P. WILSON
Deputy City Attorney

ECG/JPW/MTG/cdr

Enclosures

1029-2023-2025/292426