

March 11, 2004

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

Re: Communication from John & Margaret DeMore
C.I. File No. 04-L-31

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, John & Margaret DeMore, 9600 West Auer Avenue, Milwaukee, WI 53222, allege on their own behalf that they suffered a loss on November 3, 2003 due to a back-up of sewage/contaminated water in their basement located at 9600 West Auer Avenue. They claim damages in the amount of \$15,000.00.

Our investigation reveals the Infrastructure Services Division-Underground Operations investigated a backwater at the subject location on November 3, 2003. They found the City main sewer was clogged. The sewer was cleaned and restored to proper working order. The sewer was on a regular cleaning schedule and was cleaned within the normal cleaning cycle of 36 months. The last time the sewer was cleaned was on August 14, 2001. The sewer had been clogged in 1985 and 1989, however, no incidents have occurred since 1989. The sewer has been

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placed on a six month special cleaning cycle due to the amount of grease being discharged into the system. Since the sewer was on a regular cleaning schedule and the City did not have notice of any problems with the sewer, the City cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2004-545:78837