

February 9, 2004

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

Re: Communication from Mary Artis
C.I. File No. 03-S-474

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, Mary Artis, 1133 West Capitol Drive, Milwaukee, WI 53206, alleges that she sustained damage to her property on September 12, 2003 when a City sewer backed up into her basement at 1133 West Capitol Drive. She claims damages in the amount of \$6,447.00.

Our investigation reveals that Infrastructure Services investigated this incident and found a large amount of gravel and construction debris in the manhole at this location. They shoveled the material out by hand to allow the claimant's lateral to be cleaned. The back-up occurred due to construction activity performed under the jurisdiction of the State of Wisconsin. The Wisconsin Department of Transportation awarded state contract #2025-0770 for construction of West Capitol Drive between West 35th Street to North Green Bay Avenue to Milwaukee General Construction Co., Inc., 4580 South 13th Street, Post Office Box 210798, Milwaukee, WI 53221. The City was not negligent in this matter and as such, it would not be 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
1029-2003-3966:77712