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August 4, 2008

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

Re: Resolution relating to the claim of Brian Artka
C.I. File No. 08-L-63

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, Brian Artka, 633 East Bolivar Avenue, Milwaukee, WI 53207 alleges that on June 8, 2008, he suffered damages to his personal property due to a sewer backup. He claims damages in the amount of \$6,000.00.

Our investigation reveals that the Infrastructure Services Division records indicate that because of the amount of rainfall and its intensity during this time period the City's storm system was surcharged. The system experienced flows that exceeded the capacity of the sewer system. Since the City was not negligent it cannot accept liability and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
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JAS:beg
Enclosure
1029-2008-2138:135787