

Kingfogl Construction Company
Custom Homes Since 1948
(262)781-4488

February 26, 2003/Wednesday

CITY OF MILWAUKEE
2003 MAR 20 AM 11:48
RONALD D. LEONHARDT
CITY CLERK

City Clerk
Attention Claims

200 E. Wells Street, Room 205
Milwaukee, WI 53202-3567

Office of the City Clerk,

RE:

Mary Beth Doyle (owner of 4151 & 4153 N. 84th Street)
Mrs. Marilyn Pluck (tenant of 4153 N. 84th Street, 414-461-5059)
Mrs. Rosemary Nemetz (tenant of 4151 N. 84th Street, 414-466-7515)
4151 North 84th Street & 4153 North 84th Street
Milwaukee, WI 53222

Claimant's name and address:

Mary Beth Doyle (Owner of 4151 & 4153 N. 84th Street, duplex)
Owner has owned property since 1968
14925 Hushing Brae Court
Brookfield, WI 53005
(262)781-4488 (Office and daytime telephone number)

CITY OF MILWAUKEE
RECEIVED
03 MAR 20 PM 3:27
OFFICE OF
CITY ATTORNEY

Sewer Lateral damage as a result of tree planted by City of Milwaukee on City of Milwaukee land located at 4153 North 84th Street, Milwaukee, WI

On approximately, December 30, 2002, the outside sanitary sewer lateral was clogged and correspondingly the sanitary sewer backed up into our property located at 4151 & 4153 North 84th Street, Milwaukee. The damage to the sanitary sewer lateral was the result of tree roots which were originally planted by the City of Milwaukee, on City of Milwaukee land, puncturing the sanitary sewer lateral piping from the sidewalk to the road, which is also City of Milwaukee land. The result of the obstruction of the sanitary sewer lateral was to cause the sanitary sewer line to back up and transfer sewage into the basements at 4151 N. 84th Street and 4153 N. 84th Street.

As a result of flooding in the basement the owner of the property, Mary Beth Doyle, contracted a sewer repair contractor, Kenway Services, to diagnose and remedy the problem. The sewer contractor took the first step in diagnosing the problem, and tried to locate the problem of the sewage back up. The sewer contractor used a

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(City of Milwaukee Clerk)

camera to diagnose the area where the blockage in the sanitary sewer lateral took place. According to the sewer contractor, Kenway Services, the sanitary sewer line was clear until the area at the sidewalk at the front of the property along 84th Street. The sanitary sewer line was possibly separated or crushed. On January 3, 2003, 3 hours of work took place in diagnosis and on January 6, 2003, 7 hours of work took place plus camera set up.

The sewer contractor, Kenway Services, was unable to access the sewer lateral line from the sidewalk to the street via cameras and other methods potentially used to clear the sanitary lateral. The area of the home from where the sanitary sewer line enters the building to the front of the sidewalk was free and clear of obstructions according to the sewer contractor. As a result, the diagnosis from the sewer contractor was the sanitary sewer line was probably crushed or separated at the area between the street and the sidewalk, City of Milwaukee land.

The following is a summary of the work which took place at 4151 & 4153 N. 84th Street, Milwaukee:

Claim #1:

\$1,540.00 (Diagnosis completed on January 6, 2003)

This work had to be completed in order to properly locate the location of the sanitary sewer lateral being plugged or clogged. A camera was used by the sewer contractor, Kenway Services to locate the blockage in the sanitary sewer lateral. Camera which was used was unable to get past the sidewalk at the front of 84th Street. The area between the front of the curb and the sidewalk was the source of the blockage in the sanitary sewer lateral.

Claim #2:

\$3,670 (Repair work completed on January 10, 2003)

An additional \$3,670, was spent to excavate and repair the sanitary sewer lateral between the front sidewalk and the curb, City of Milwaukee land. This work was done to restore the sanitary sewer lateral to its original condition, before the tree roots plugged the sanitary sewer line. The sewer contractor determined the source of the sanitary sewer lateral being non-operational, was the result of the large tree roots encroaching and puncturing the sanitary sewer lateral line to the road.

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(City of Milwaukee Clerk of Courts)

The end result is the tree which was originally planted by the City of Milwaukee on City property has caused approximately \$5,210 (\$3,670 repair of sanitary sewer lateral +\$1,540 diagnosis) damage to the sanitary sewer lateral. These bills will have to be paid by the owner of the property, Mary Beth Doyle. A copy of these bills is enclosed and accompanies this letter for a claim against the City of Milwaukee.

In short, Mary Beth Doyle, feels the City of Milwaukee should be responsible for the damage to the sewer lateral at the front of our property due to the City of Milwaukee tree's roots causing the blockage in the sanitary sewer lateral of our property and subsequently causing damage of \$5,210 to the property located at 4153 N. 84th Street.

Please contact me regarding this issue. Mary Beth Doyle, will be seeking legal counsel in this area. Could you please get back to me at your earliest convenience.

The enclosed billings represent the billings from Kenway Services.

Contact person at Kenway Services:

Mr. Ken Fugate
4841 W. Burnham Street
West Milwaukee, WI 53219
(414)384-7050(Office)

- ⇒ Accompanying this letter is a letter from Alderman James A. Bohl Jr., Alderman 5th District, who witnessed the repair while it was being conducted by Kenway Services.
- ⇒ Accompanying this letter is a letter from the sewer contractor who performed the work. Kenway Services, Mr. Ken Fugate

The following claim against the City of Milwaukee is hereby being submitted by Mary Beth Doyle, owner of 4141 & 4153 N. 84th Street, City of Milwaukee.

Mrs. Mary Beth Doyle date

Sincerely,

Mary Beth Doyle
(262)781-4488(Office)

James A. Bohl Jr.
Alderman 5th District



January 27, 2003

Ms. Marilyn Pluck
4153 North 84 Street
Milwaukee, WI 53222

Dear Ms. Pluck:

On January 14, 2003 you contacted me to register a complaint about damage to your sewer lateral. You stated that a city worker informed you that roots from the tree along your curb were to blame.

Thank you for taking the time to meet with me the other day to discuss this matter. I am glad to be of service to you.

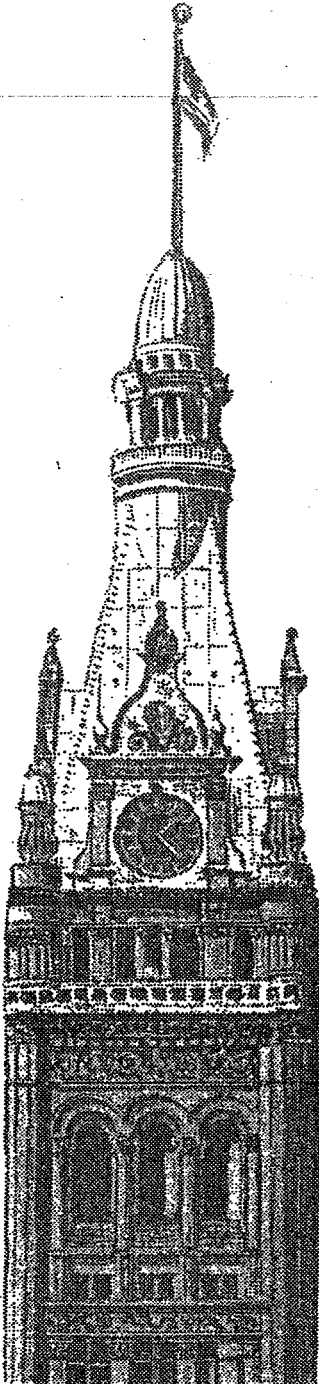
If you have any additional concerns with this matter or any other, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jim Bohl". The signature is written in a cursive style with a large, sweeping "J" and "B".

Jim Bohl, Alderman
5th District

JB:mg



KENWAY SERVICE, INC.

INVOICE

No. 31885

4841 W. BURNHAM STREET • WEST MILWAUKEE, WI 53219
PHONE: 384-7050

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Mary Beth Doyle
3145 N 124th ST
Brookfield, WI 53005

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4153 N 84th ST

DATE	OUR ORDER NO.	YOUR ORDER NO.	TERMS	SHIPPED VIA	PRICE	SALES TAX
Jan 20	3	31885	verbal	15 days		
QUANTITY	DESCRIPTION			PRICE	BF	
---	One equipment operator for total of 10 hours			52.50	525.00	
---	2 assistants for 10 hours each 20 hours total			38.50	770.00	
---	Televising equipment			245.00	245.00	
	Attempt to clean main sewer from house to street					
	Cannot get past sidewalk--possibly seperated or crushed					
	Telvise same line--could not get past sidewalk					
	January 03, 2003==3 hours					
	January 6, 2003=7 hours plus camera set up					
1½% PER CENT INTEREST WILL BE CHARGED AFTER 30 DAYS.						1,540.00

ORIGINAL



SERVICE, INC.

INVOICE

No. 31886

4841 W. BURNHAM STREET • WEST MILWAUKEE, WI 53219
PHONE: 384-7050

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Mary Beth Doyle
3145 N 124th ST
Brookfield, WI 53005

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4153 N 84th ST

DATE	OUR ORDER NO	YOUR ORDER NO	TERMS	SHIP TO	JOB	SALESMAN
Jan 20	3	31886	verbal	15 days		KF
QUANTITY	DESCRIPTION				PRICE	AMOUNT
---	Time and material to excavate and repair sewer line per written areement				3,670.00	3,670.00
1½% PER CENT INTEREST WILL BE CHARGED AFTER 30 DAYS.						3,670.00

ORIGINAL

FROM : KENWAY SERVICE INC

PHONE NO. : 4143849980

Jan. 07 2003 09:53PM P2

KENWAY SERVICE, INC.

4641 W. Burnham St.
West Milwaukee, WI 53219
Phone (414) 384-7050
Fax (414) 384-9980

January 8, 2003

Mary Beth Doyle

Project at 4153 N 84th Street sanitary sewer.

To dig up at sidewalk area and replace pipes to curb of sanitary sewer.

For city permit for off road digging, all supplies, labor, refilling to ground level and seeding of dug up area in Spring of 2003

Not to exceed \$4,000.00.

If accepted, please sign and return to FAX 414-384-9980

Sincerely,

Ken Fugate

Ken Fugate

Mary Beth Doyle

brw

