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November 5, 2010

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

Re: Resolution Relating to the Claim of Park Terrace, LLC
C.I. File No. 10-L-118

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, Park Terrace, LLC by Beth Jensen, 161 South 1st Street, Milwaukee, WI 53204, allege that on August 29, 2010 a sewer back-up occurred at 931 East Reservoir Avenue allegedly caused by a crushed sewer lateral that was installed by the City of Milwaukee. They claim damages in the amount of \$8,278.81.

Our investigation reveals that the Sewer Maintenance Section (SMS) responded on August 30, 2010 to a call of a backwater at this location. They found that sewer main was in proper working condition. The responding crew was shown the break in the claimant's sewer lateral by its plumbing contractor. The building's lateral is a private facility and Charter Ordinance 12-15, Milwaukee Code of Ordinances states the property owner is responsible to maintain this facility. Since the City was not negligent in this matter, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2010-2758:163032

OFFICE OF THE CITY ATTORNEY