

TEARMAN SPENCER

City Attorney

CELIA M. JACKSON

Special Deputy City Attorney

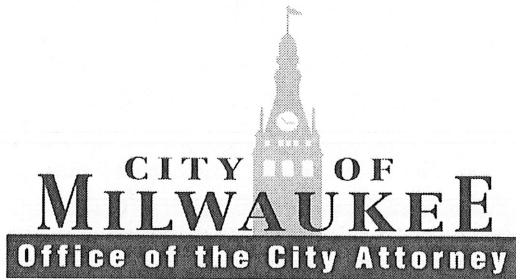
ODALO J. OHIKU

ROBIN A. PEDERSON

YOLANDA Y. MCGOWAN

TODD FARRIS

Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
 GREGG C. HAGOPIAN
 KATHRYN Z. BLOCK
 THOMAS D. MILLER
 JEREMY R. MCKENZIE
 PETER J. BLOCK
 JENNY YUAN
 ALLISON N. FLANAGAN
 HEATHER H. HOUGH
 ANDREA J. FOWLER
 PATRICK J. MCCLAIN
 ELLENY B. CHRISTOPOULOS
 HANNAH R. JAHN
 JULIE P. WILSON
 GREGORY P. KRUSE
 JAMES M. CARROLL
 MEIGHAN M. ANGER
 ALEXANDER R. CARSON
 ALEX T. MUELLER
 ALEXANDER COSSI
 LISA A. GILMORE
 NICHOLAS R. SINRAM
 TAVISS K. SMITH
 KATHERINE A. HEADLEY
 ANTHONY JACKSON
 NICHOLAS C. ZALES
 JENNIFER T. DEMASTER
 JOHN D. MCNALLY
 STACY J. MILLER
 Assistant City Attorneys

February 21, 2022

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

RE: C.I. File No. 1048-2021-1396
Communication from LENA TAYLOR

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendations.

Lena Taylor, property owner of 3428 West State Street alleges that the City failed to install a concrete sub-base under the asphalt and fill the excavation with road slurry. The traffic pattern on State Street is not conducive to the water main and water box location on the street, and the water line placement will continue to cause reoccurring issues. This is the second water damage claim Ms. Taylor submitted to the City.

Damages claimed for the October 13, 2021 water damage event are \$20,000.00 for plumbing services.

Milwaukee Water Works conducted an investigation into the matter and found that there were no leaks on the utility-owned portion of the water service, and noted the sewer was backed up. Milwaukee Water Works rest the water service curb stop box on October 3, 2019, two years prior to the reported flooding. On August 26, 2020, the Department of Public Works reported a 2' sinkhole around the water box at the property. Milwaukee Water Works crews confirmed there were no leaks at the location and raised the water box to grade.



To the Honorable Common Council
Of the City of Milwaukee
February 21, 2022
Page Two

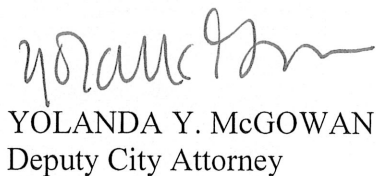
Sewer Maintenance reported that they did not receive a call for backwater at 3428 West State Street on October 13, 2021. Sewers also reported that there had been no recent work at the address. On August 4, 2021, the 12-inch sewer main that serves the address was televised and found to be functioning properly, and is in good working condition. Based on the responses from both departments, it does not appear the any of the repair work conducted by Milwaukee Water Works in 2019 caused sewer damage or backup. Once the leak was reported, it was investigated in a timely matter.

There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



YOLANDA Y. MCGOWAN
Deputy City Attorney

YYM/cdr

Enclosure

1048-2021-1396/278949