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February 12, 2008

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

Re: Resolution relating to the claim of Daniel Wiken & Tania Cook
and their insurance company, American Family Insurance,
By Bobbie Koch, Subrogation Sr. Adjuster
C.I. File No. 07-L-80

Dear Council Members:

We return 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.

Claimants, Daniel Wiken and Tania Cook, 6724 West Bottsford Avenue, Greenfield, WI 53220 and their insurance company, American Family Insurance, allege that on June 27, 2007 they suffered damage to their personal property and their home due to a water-main break. They claim damages in the amount of \$42,446.05.

Our investigation reveals the Milwaukee Water Works (MWW) responded to a call from a city inspector about a water-main break at 6700 West Bottsford Avenue, Greenfield, WI on June 25, 2007. A MWW field investigator confirmed the break and throttled the main. The area was marked for underground facilities and necessary repairs to the main were completed properly. When the MWW repair crew examined the water-main, they found a corrosion hole, caused by normal wear and tear or possible exposure to the elements. MWW had no prior notice of this defect.

According to a MWW supervisor, there was no standing water or flooding at the location and there were no complaints from neighbors regarding any problems in the area at the time of the repair work. In particular, there were no complaints from the complainants' property during the period of time from June 25 through June 29, 2007.

Finally, on June 30, 2007, the MWW received a call from the homeowners' sister about damage at the subject property. The homeowners' sister related that she checked on the property every three days and had last been there on June 26. She related that there was

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no evidence of any problems with water in the property on that date. The MWW had no notice of this condition prior to June 30, 2007.

The MWW responded to the water-main break in a timely manner and followed standard procedures regarding the repair activity. As such, the City cannot accept liability and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
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JAS:beg
Enclosure
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