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July 11, 2024

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

RE: Communications from Arthur Strong
C.I. File No. 1029-2023-2053

Dear Sir or Madam:

Mr. Strong alleges that the City of Milwaukee is responsible for damages he incurred as a result of compromised sewer and water laterals at his property located at 3009 North 53rd Street. He claims that the City contractor, American Sewer Services damaged both laterals while engaged in a sewer main relay project on or around July 29, 2020. He is claiming damages in the amount of \$35,000.00.

This notice of claim was filed on December 11, 2023. Wisconsin Statute 893.80(1d)(a) requires that a notice of the circumstances of the claim be served within 120 days after the happening of the event giving rise to the claim. This claim did not meet the statutory timeframe for service of notice.

Our investigation into this matter revealed that American Sewer Services was under contract with The City of Milwaukee to complete a sewer main relay project during the above-referenced time and location. During this process, claimant's lead water service was found to be leaking. Milwaukee Water Works(MWW) responded, confirmed the leak, and per City ordinance, Mr. Strong was advised of his responsibility to replace the lead water line with a copper service.

In December 2020, Sewers responded to a backwater complaint at 3009 North 53rd Street. The main sewer was checked and found to be in working condition. Claimant was advised to contact a plumber regarding a possible problem with his



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sewer lateral. On December 14, 2022, Sewers responded to a cave-in at the subject location and staff again determined the problem was not related to the sewer main.

It is our view that claimant's damages were not caused as result of negligence by the City or its departments. In addition, City contractors hold the City harmless of any claims related to damage that occurs related to the contractor's work. Lastly, we feel claimant failed to mitigate his expenses in this case, and therefore, we recommend that this claim for \$35,000.00 be denied.

Very truly yours,



EVAN C. GOYKE
City Attorney



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ECG/JPW/PK/cdr

Enclosures

1029-2023-2053/290977