

October 11, 2005

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

Re: Communication from Carolyn Northern
C.I. File No. 05-S-252

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, Carolyn Northern, 4956 North 19th Place, Milwaukee, WI 53209, alleges that on January 12, 2005 she sustained damages when a City sewer backed-up into her basement. She claims damages in the amount of \$17, 917.00.

The Infrastructure Services Division (ISD) records indicate that they investigated a backwater complaint at this address on January 12, 2005 and found the City main sanitary sewer to be clogged with grease, causing the backwater in the basement. The sewer was cleaned and restored to proper working condition at that time. The sewer was examined by closed circuit television on January 18, 2005 and was found to be in good condition. This sewer is on a regular cleaning schedule and was last cleaned, prior to the clog, on November 26, 2002. This sewer has no prior history of being clogged although incidents of surcharge, due to rain, have occurred in 1997, 1998, 1999 and 2004.

To the Hon. Common Council
October 11, 2005
Page 2

Because the sewer was on a regular cleaning schedule and the City did not have any notice of problems with the sewer, the City cannot be held liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg:ms
Enclosure
1029-2005-2372:97096