

CITY OF MILWAUKEE

Form CA-43

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October 30, 2001

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

Re: Communication from John Balon, Vice President
Salem Evangelical Lutheran Church
C.I. File No. 01-L-75

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 Salem Evangelical Lutheran Church, 6840 North 107th Street, Milwaukee, WI 53224-4206, by John Balon, Vice President, alleges that on February 2, 2001 the church incurred costs and expenses due to a water main break. They claim damages in the amount of \$5,750.00.

The Milwaukee Water Works records indicate they were notified of a possible main break in the area of 6844 North 107th Street. A Water Works investigator was dispatched to the scene and subsequently reported a possible 16-inch main break. A Water Works repair crew also responded that morning. The work crew found the leak was not on the main, but on a 4-inch branch in the grassy area of the street right-of-way. This location is within the owner's responsibility to repair. The owners were advised of this responsibility.


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The cause of this loss was not related to any negligent acts or omissions of the City of Milwaukee. It further reflects that the Milwaukee Water Works was not negligent with respect to their response time or attempts to minimize consequential damages and, therefore, the City is not legally liable for the events giving rise to this loss. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



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MGT:beg
Enclosure