

CITY OF MILWAUKEE

Form CA-43

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February 20, 2003

Perry J. Bertoni
1738 West Mallory Avenue
Milwaukee, WI 53221

RE: C.I. File No: 03-S-58

Dear Mr. Bertoni:

This office is in receipt of your claim in the amount of \$2,036.64, relating to damage sustained to your property on September 29, 2002 when sewage backed-up in your basement at 1738 West Mallory Avenue.

Our investigation reveals that the Infrastructure Services Division records indicate that this matter was investigated by them on September 29, 2002. The City main sewer was clogged. Normal attempts to clear the sewer began as soon as possible but were not completely successful. The sewer was partially cleaned, allowing sewage to drain. The next day they used a television camera and determined that the obstruction was a rock. They were able to remove it. The camera also showed no structural problems with the sewer and that, except for the rock, it was clean. They believe the rock was due to vandals. The manhole where they believe the rock entered the sewer was secured. The sewer is on a normal three year cleaning schedule and was last cleaned on April 5, 2001. Prior to this incident, there was no history of cleaning problems for the sewer. Because the sewer was on a regular cleaning schedule and the City did not have any notice of problems with the sewer or the manhole, the City cannot be held liable. Accordingly, we are denying your claim.

Perry J. Bertoni
February 20, 2003
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:beg
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