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September 9, 2009

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

Re: Resolution Relating to the Claim of Dakin Emerson
C.I. File No. 09-L-85

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, Dakin Emerson, 2046 North 2nd Street, Milwaukee, WI 53212, alleges that on June 19, 2009, he sustained damages when a City sewer backed up into the basement of his residence. He claims damages in the amount of \$27,503.61. The Assessor's Office information notes that he is not the owner of record of this property.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they did not receive a complaint of backwater at the time. Their records also indicate that because of the large amount and strong intensity of the rain during the June 18-19, 2009 flood, the City experienced flows that exceeded the capacity of the sewer systems. Additionally, the ISD checked the City main sewer as a result to Mr. Emerson's claim and found it to be in proper working

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order. The City was not negligent in the matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Assistant City Attorney

JAS:ms
Enclosure
1029-2009-2136:149709