

MICHAEL DeMICHELE

MDEMICHELE@WILLOWTREECO.COM

January 12, 2010

CITY OF MILWAUKEE  
2010 JAN 15 PM 1:25  
RONALD D. L. MARTIN  
CITY CLERK

VIA U.S. MAIL

City of Milwaukee Water Department  
ATTN: CLAIMS  
Ms. Bernice Fleming  
Water Claims Specialist  
200 East Wells St., Room 205  
Milwaukee, WI 53202

RE: Reimbursement for City Water Main leak and resulting property damage at  
223 N. Water Street

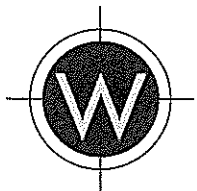
Dear Ms. Fleming:

As we discussed, I am hereby requesting that the City of Milwaukee Water Works ("MWW") reimburse the owner of the aforementioned property, Demco Wisconsin 5, LLC ("DW5"), for damages it withstood due to the City water main break in Water Street on Wednesday and Thursday, December 2<sup>nd</sup> and 3<sup>rd</sup>.

An accurate description of the damaging events is as follows:

On Wednesday, December 2, 2009, at approximately 11:45 a.m., I received a call from my 1<sup>st</sup> floor and basement tenant at 223 N. Water Street that there was a leak in the basement at the front of the building and it was running into their space. After arriving on the scene, I witnessed water shooting out of the area of the existing 6" water lateral serving the building. I contacted our plumber, Cornerstone Plumbing, who responded immediately to help me determine what was happening. Our building in the

CITY OF MILWAUKEE  
RECEIVED  
2010 JAN 15 PM 2:59  
SHERIDAN  
CITY ATTORNEY



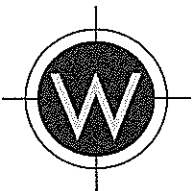
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Third Ward is typical in the manner that the front wall of the building is under the sidewalk at the curb line of the street.

Cornerstone Plumbing diagnosed the problem as not coming from the buildings' plumbing but coming from outside the building and spraying in the brick wall around the existing lateral pipe below the curb line of the street. We contacted the MWW for immediate response. They arrived 45 minutes later; meanwhile I was mopping to try to contain the water and mess and keep it off of the adjacent electrical panels. Fundamentally, besides the basic issues with water pouring into one's basement, the building at 223 N. Water St. has the unique problem of having a "hung sewer". That is, the sewer lateral enters the building at an elevation that is at the top of the ceiling of the basement, not under the floor, so there are no drains in the basement and no way to get the water spraying in into a sewer.

When a MWW service person arrived, he first tried turning off the lateral serving our building. This had NO effect on the pressure of the water spraying into the building. We were standing in shoe-deep water. The representative from the MWW contacted the main office of MWW for additional support. MWW could not find the source of the water entering the building. Meanwhile, water continued to spray into the building under force and there was concern the brick wall would fail and a large scale flood could overwhelm the basement. I contacted Paul Davis Restoration to assist me in managing the water entering the building, which I could clearly not keep up with, as I had no idea of how long this would go on. Paul Davis Restoration ("PDR") fortunately brought in a man with a vacuum truck run by a gas engine that could suck up the water from the floor through a hose leading out of the building and into the storm sewer.

I was directed by MWW personnel to contact Jesse Hernandez from MWW in order to arrange for temporary water service to the building charged by a neighboring building. MWW personnel arrived to provide temporary service, however, were not willing to make plumbing modifications to charge our system with the neighbors water. They just wanted to screw a hose to a pipe and turn it on. Having a restaurant tenant, Rustico, a business that depends upon water, we had to have the temporary service. Therefore, I directed my plumber to make the modification to our hose bib to accept the



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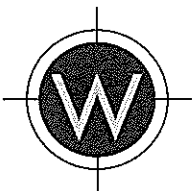
charging hose from the building next door to get temporary water service. He completed it and we successfully received water through the hose into the building's piping system.

The water poured in all day and night. I dealt with several different representatives of MWW such as Tim Frederichs on site and Mike Lloyd in the office. I stayed at the property all day trying to manage the information, control the damage and ease my tenants' concerns. That evening, around 8 p.m., with the water still pouring in and the vac-truck operator pumping it out as fast as he could, I was told that the MWW personnel had still had not found the source of the leak.

The vac-truck operator worked all night long, managing the removal of water as it came in. PDR returned around 9:30 p.m. to apply stop leak to the brick wall to try to slow the leak as it was overwhelming the vac-truck. They had minor success and it allowed the vac-truck to catch up and not burn out.

I arrived the next morning at 8 a.m. MWW representatives had a large hole around 25' deep in the northbound land of N. Water Street. They were working on an old lateral that they believed had broken and never been turned off at the valve. Around 10 a.m. they were successful in turning the valve off to the old lateral and the water pressure subsided and the water stopped coming into our basement. The vac-truck operator, who worked tirelessly for 21 hours straight, was finally able to go home.

I called our plumber back to disconnect the temporary water service and put the building back on line to the normal water service. I brought in a handyman to tear out a couple of partitions in the basement that were adjacent to the water leak and water logged.



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I have included pictures of various stages of the event. I am attaching the invoices we incurred in dealing with the leak and a summary of the total costs. Please provide a swift reimbursement. Please contact me upon receipt of this letter to confirm that reimbursement is forthcoming and its timing.

Very truly yours,

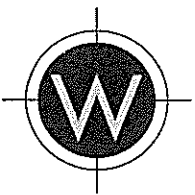
DEMCO WISCONSIN 5, LLC

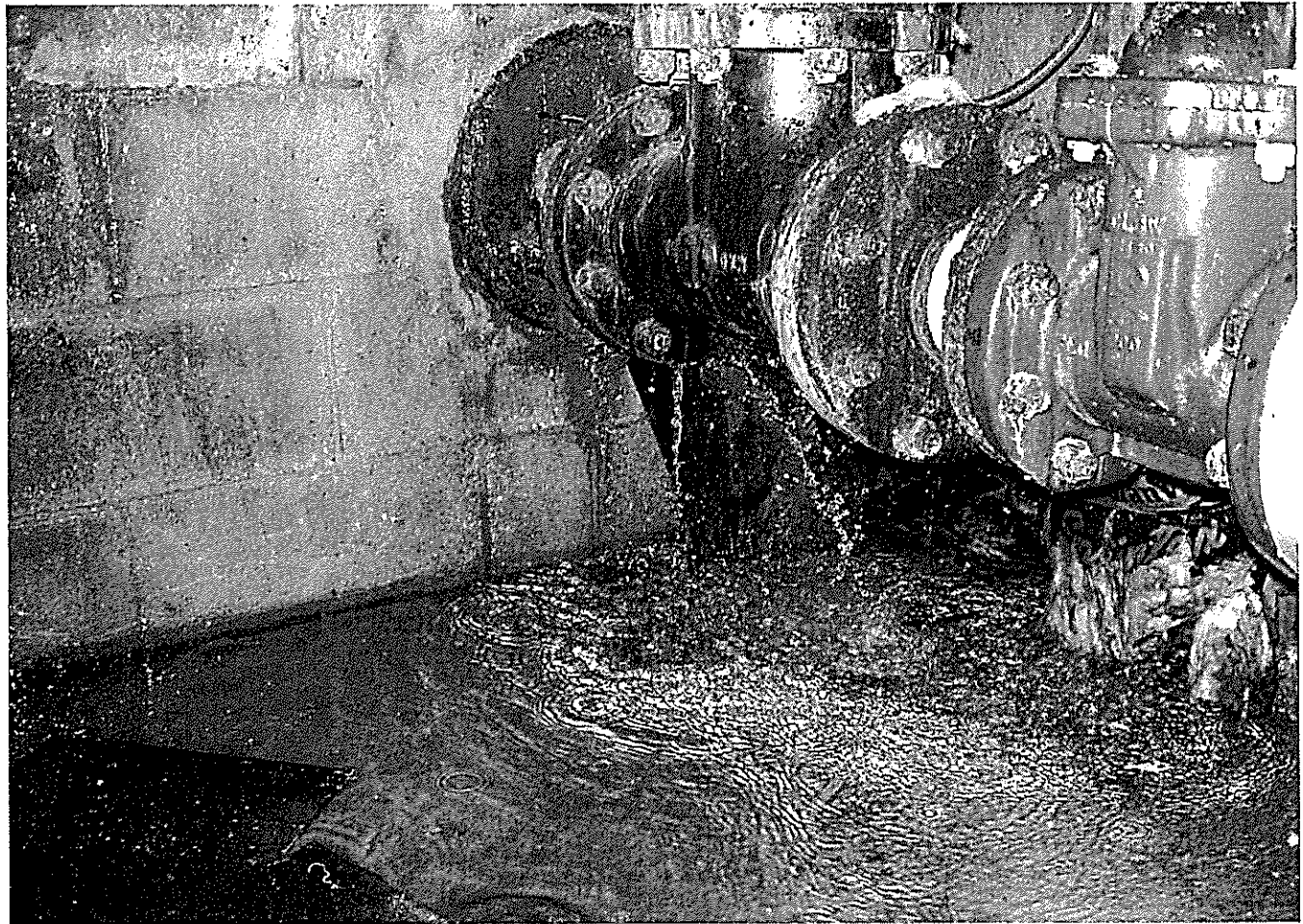


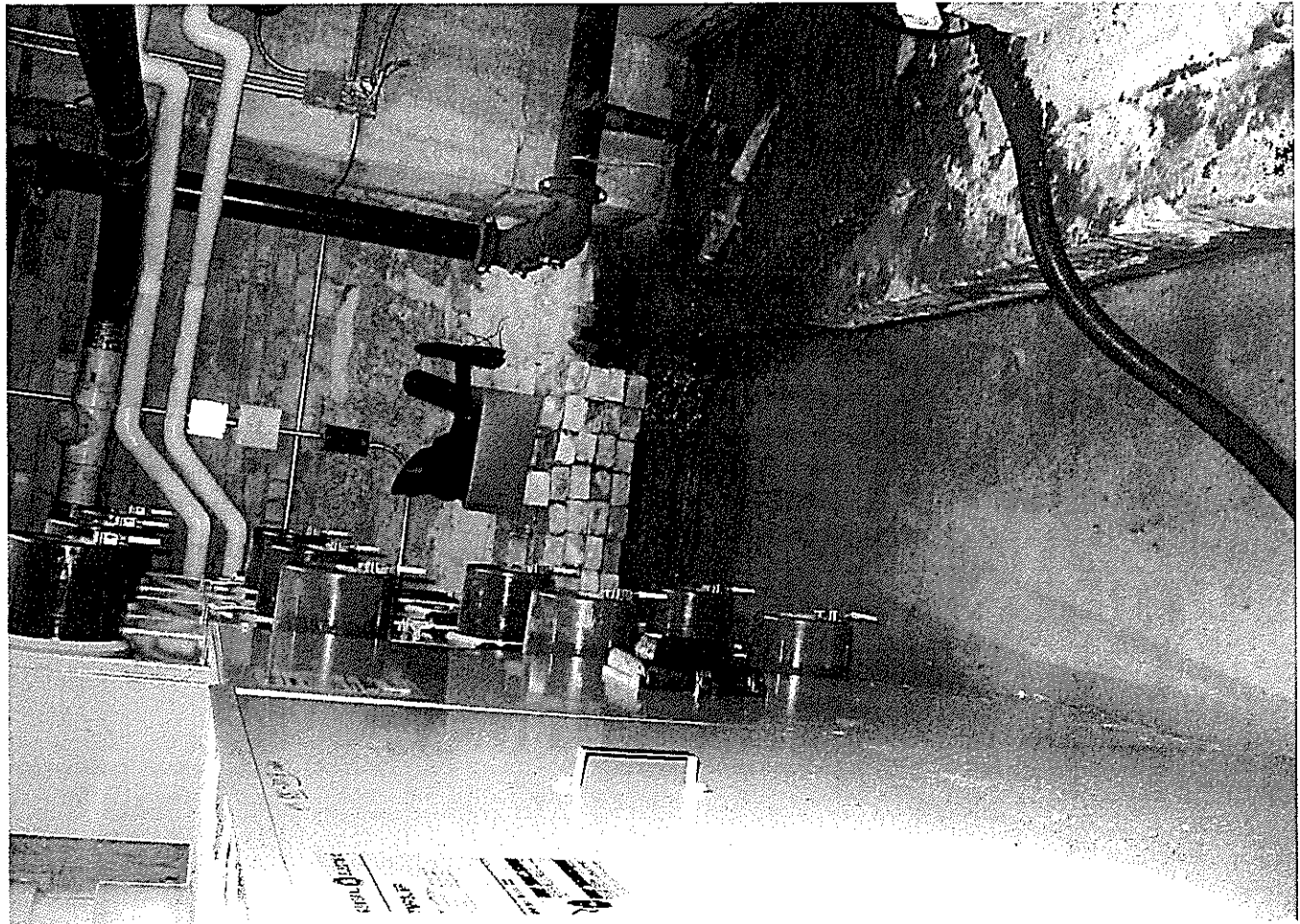
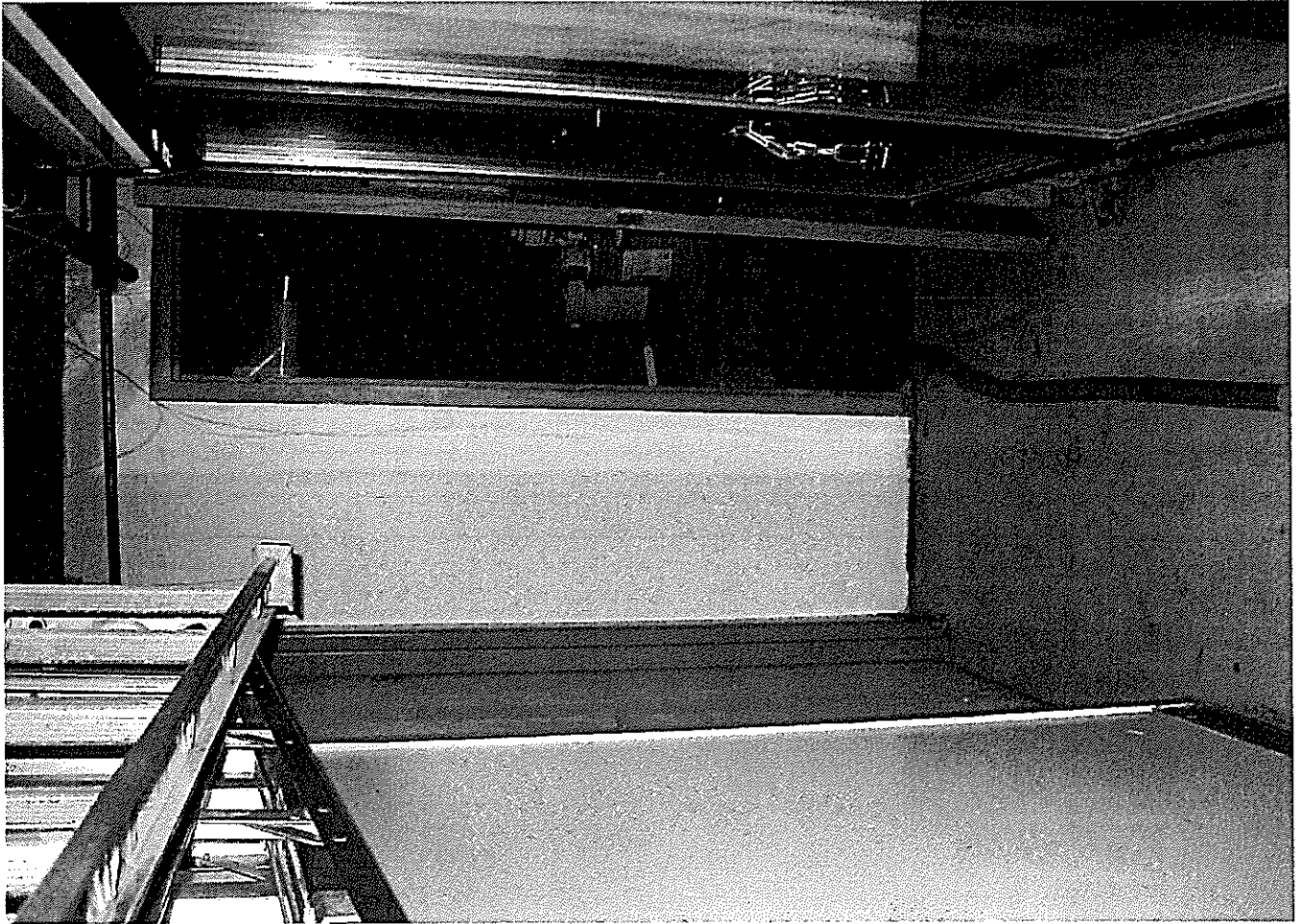
Michael DeMichele  
Manager

MDM:ksp  
Enclosure

cc: Kelley K. Falkner  
Daniel D. Seibel









12/16/2009

223 N. Water Street Water Main Leak Damage Costs

1 Better Choice Services	vacuum truck - water removal	\$	2,100.00
2 WillowTree Development	property management-oversite	\$	1,275.00
3 Jesse Priesgen-handiman	removal of water damaged partitions	\$	50.00
4 Cornerstone Plumbing	temporary water and service call	\$	1,194.34
5 M & R Home Improvement	Installation of waterstop around pipe to slow leak in order to not overwhelm the vac-truck.	\$	575.00
<b>Total</b>			<b>\$ 5,194.34</b>





**CornerStone Plumbing LLC**  
 Design • Build • Service

# Invoice

Date	Invoice #
12/7/2009	3939

<b>Bill To</b>
Michael DeMichele 2060 N. Humboldt Avenue, #250 Milwaukee, WI 53212

<b>Ship To</b>
233 N Water St Milwaukee WI

<b>Terms</b>	<b>Due Date</b>
Due on receipt	12/7/2009

<b>Job No.</b>	<b>Project</b>
5926	5926-Water 223

Quantity	Description	Rate	Amount
	Investigate Water Leak in basement		
11	Journeyman Labor	97.50	1,072.50T
	Materials	58.50	58.50T
	Sales Tax	5.60%	63.34

<b>SUBTOTAL</b>	\$1,194.34
<b>Payments/Credits</b>	\$0.00
<b>TOTAL DUE</b>	\$1,194.34



Michael DeMichele  
2060 N Humboldt Ave #250  
Milwaukee WI 53212

Job Location:  
233 N Water St  
Milwaukee WI

Work Performed:

Investigate water leak in basement

Called by Owner to investigate water leak in basement. Leak was coming from the wall. Called Water Department and they stated it was a Watermain Leak. They then shut off water and Cornerstone Plumbing back fed building from a neighbors by means of a hose until repair was complete.

Materials:

Truck Supplies           \$58.50

- Copper pipe and fittings to back feed from hose bib, Had to remove hose bibb and repipe to back feed building.

# INVOICE

No.

INVOICE DATE  
 Dec 4/09  
 CUSTOMER'S address 223 N. Water  
 ORDER NO.

SOLD TO: Mike Seduchile  
 Demco Wisconsin 51 LLC  
 2060 N HUMBOLDT AVE  
 MILWAUKEE, WI 53212

SHIP TO: Maue check to:  
 Jesse Plesgen  
 4005 N. 124th St.  
 Brookfield, WI 53005

SALESPERSON SHIPPED VIA TERMS F.O.B.

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
11:00 to 1:00	2 HOURS	Removed <del>to</del> two small walls around water main and cleaned up		
		WATER SOAKED PARTITION FROM CITY MAN FLOOD.		
				50.00

NAME	Rustino Charles Tree Design	DATE	12/2 to 12/3
ADDRESS	223 N Weber Street		
CITY, STATE, ZIP	Milwaukee, WI 53202		
DESCRIPTION			
Water extraction			
Sub-Total		\$2100.00	
Tax		-	
TOTAL		\$2100.00	
1424		Thank You	

