

CITY OF MILWAUKEE

Form CA-43

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December 1, 2003

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

Re: Communication from Nutara Hatef
C.I. File No. 03-L-144

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.

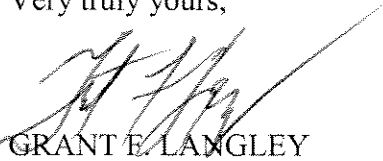
Claimant, Nutara Hatef, 3050-A North 45th Street, Milwaukee, WI 53210-1717, alleges that on July 13, 2003 she sustained damages when a clogged City sewer backed-up into her basement. She claims damages in the amount of \$10, 277.00.

Our investigation reveals that the Infrastructure Services Division records indicate that they investigated a sewer odor complaint at a flat bottom basin at this location on July 22, 2003. They removed the debris and flushed the drain to eliminate the odor. A backwater complaint at this location was investigated on July 30, 2003. The City main sanitary sewer was clogged causing the backwater in the basement. The sewer was cleaned and restored to proper working condition. The sewer was on a normal cleaning program and had one prior clogging incident on March 3, 1999. The sewer was re-cleaned and examined by closed circuit television on August 5, 2003 and was found to be in good condition except for grease deposits which were removed.

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The sewer has been placed on a special six month cleaning schedule due to the amount of grease being discharged to this system. Because the sewer was on a regular cleaning/inspection schedule and the City did not have any notice of any problems with the sewer, the City cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1029-2003-3611:75210