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October 11, 2022

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

RE: Communications from VIRGINIA BRALEY
C.I. File No. 1029-2022-765

Dear Sir or Madam:

Ms. Virginia Braley alleges that over a time period between January 14, 2022 through May 19, 2022, that leakage due from an improper sewer lining installation caused tree roots from a large City Maple tree, between the sidewalk and the street, to seek water in her lateral causing backup. Ms. Braley hired ABC Sewer and Badger Underground to complete repairs and has submitted a damage claim in the amount of \$6,359.00.

We have conducted investigations into this matter in coordination with the Department of Neighbor Services, Sewer Maintenance, Milwaukee Water Works, and the Forestry Division. Our investigation revealed that the claim was unrelated to the drinking water distribution system or maintenance performed by Milwaukee Water Works. The Forestry Division reported that tree roots do not break into sewer lines and that root growth into cracked sewer pipe occurs when the pipe is first damaged by other factors.

Sewer Maintenance conducted a search of their records and reported that in 2009, the City's 6" Sanitary main sewer was lined along portions of the private building laterals in the 3700 block of South 52nd Street, which included the claimant's property.

Further records indicated that on February 17, 2014, Sewer Maintenance responded to a past backwater call at 3706 S. 52nd Street. The sewer main was checked and found to be in good working order, and the homeowner was advised to hire a licensed plumber or contractor. Since that time, Sewer Maintenance reported no other work or calls received regarding this property.



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On May 13, 2022, The Department of Neighborhood Services (DNS) conducted an inspection at the property at the request of the claimant's contractor, Badger Underground, per work permit PLB-22-01653. That inspection revealed that the saddle tee connection at the main had been compromised. The contractor completed repairs and the outcome of that inspection was a Pass.

It is our position that the city is not liable for damages in this case and we recommend that the claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



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STF/MG/cdr

1029-2022-765/282065