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January 15, 2009

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

Re: Resolution relating to the claim of Zoilo Melendez
C.I. File No. 08-L-335

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, Zoilo Melendez, 1603 South Layton Blvd., Milwaukee, WI 53215 alleges that a property owned by Zoilo Melendez at 1201 South 7th Street was damaged by construction activity in the area. Zoilo Melendez claims damages in the amount of \$23,000.00.

Our investigation reveals that the Infrastructure Services Division reviewed their records relative to this matter. They found Michaels Tunneling was working on behalf of the Milwaukee Metropolitan Sewerage District, and it was issued Public Way Excavation Permit #200720-0234 for this work. Since the City was not engaged in this activity and it was not negligent, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2008-3453:141549