

May 17, 2001

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

Re: Communication from West Bend Mutual
on behalf of Sterling Hassey
C.I. File No. 01-L-57

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, Sterling Hassey, 4379 South Howell Avenue, Milwaukee, WI 53207 through his insurance company, West Bend Mutual, P. O. Box 370, Pewaukee, WI 53072-0370 alleges that on March 16, 2001 damage was sustained to the carpeting in the office building at 4379 South Howell Avenue when raw sewage from a plugged City sanitary sewer main backed up. They claim damages in the amount of \$12,814.86.

Our investigation reveals that the sewer in question was on a three year cleaning schedule. The last time the sewer was cleaned was on May 12, 1998. Because the sewer was on a regular cleaning schedule and the City of Milwaukee 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 F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg