

January 7, 2003

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

Re: Claim of Miller Brewing Company
C.I. File No. 02-L-10

Dear Council Members:

Attached hereto is an original resolution for your consideration, which would authorize settlement of the above-noted claim. We make the following recommendation relating to the proposed settlement:

The above-noted matter arises out of an incident which occurred on September 21, 2001 in the area of 4100 West State Street. During the course of a major reconstruction of West State Street from North 35th Street to North 41st Street, a City of Milwaukee Department of Public Works Excavation Crew broke an underground concrete-encased high-voltage electrical feeder supplying the brew house of the Miller Brewing Company.

Miller Brewing Company sustained damages totaling \$84,041.47. Miller Brewing Company has agreed to compromise their damages in the interest of expediting resolution of this claim. Miller Brewing Company has agreed to accept \$50,000.00 as full and final settlement of this matter.

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Because the potential and likely liability of the City of Milwaukee exceeds the proposed settlement, we recommend payment of this claim in the amount of \$50,000.00. The enclosed proposed original resolution reflects this recommendation and is provided for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

GFL:MGT:enm
Enclosure

c: Jeffrey Polenske, City Engineer

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