

October 21, 2004

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

Re: Communication from Marie Irby  
C.I. File No. 04-L-112

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, Marie Irby, 5043 North 19<sup>th</sup> Place, Milwaukee, WI 53209, allege that on May 14, 2004 they sustained damages when a City sewer backed-up into her basement. She claims damages in the amount of \$11,730.00.

Our investigation reveals that the Infrastructure Services Division records indicate that they did not investigate the actual backwater at this location, but were notified of this incident at the Town Hall Meeting that was held on May 24, 2004 at the West Villard Library. Their records further noted the Milwaukee Metropolitan Sewerage District interceptor sewer to be surcharged causing the City main sanitary sewer to back-up into the basement. Saturated ground conditions and severe rain that occurred on this date resulted in flows that exceeded the capacity of the system. As such, the City would not be liable. Therefore, we recommend that this claim be denied

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
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