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September 28, 2016

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

Re: C.I. File No. 1029-2016-1881
Communication from THIBODEAU, JOHNSON, & FERIANCEK, PLLP
800 Lonsdale Building, 302 West Superior Street,
Duluth, MN 55802 on behalf of
US BANK, 4015 South Howell Avenue,
Milwaukee, WI 53207

Dear Common Council:

Claimant, US Bank, alleges that on September 29, 2015, their property was flooded when the City damaged a storm sewer line while performing road work. Claimed damages total \$21, 959.26.

This notice of claim was filed on September 9, 2016. Wisconsin Statute §893.80(1d)(a) requires that a notice of the circumstances of the claim be filed within 120 days after the happening of the event giving rise to the claim. This notice is untimely.

The Infrastructure Services Division records indicate that a reconstruction project started in this area on April 18, 2015. This is a State of Wisconsin project, WisDOT Project I.D. 2060-11-70, Contract No. 20150113008. Their address is State of Wisconsin Dept. of Transportation, Waukesha Transportation District 2, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187-0798. The



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contractor involved is LaLonde Contractors, Inc.. Their address is 2929 South Chase Avenue, P.O. Box 070420, Milwaukee, WI 53207. As such, the City cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

c: Bill Frasch (Infrastructure)

1029-2016-1881/232708