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September 18, 2006

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

Re: Resolution relating to claim of Willie Ousley  
By his attorney Kostich, LeBell, Dobroski & Morgan LLP  
C.I. File No.: 04-L-28 & 28-1

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimant, Willie Ousley, 3800 North 52<sup>nd</sup> Street, Milwaukee, WI 53216, alleges through his attorney Kostich, LeBell, Dobroski & Morgan LLP, 735 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53233, that on December 9, 2003 a City water main break caused water and sewage to enter the basements of his properties located at 2009 and 2019 West Roosevelt Drive. They claim damages in the amount of \$32,706.10.

Our investigation reveals that the Infrastructure Services Division indicates that the City awarded Contract No. C523020126 to American Sewer Services to re-lay a 12-inch diameter sewer in the area of West Congress Street, North 21<sup>st</sup> Street and West Roosevelt Drive. The work began on December 9, 2003. While excavating on that day the contractor hit and damaged an 8-inch water main. The main was not shown on the City's sewer plan provided to the contractor and the City locator failed to mark its location at the site of the excavation. The Milwaukee Water Works responded and assisted the contractor with an emergency shut-off. By the time water flow to the main was shut off, the street was flooded and the sanitary sewer was surcharged, causing water to enter several basements in the area. The contractor completed repairs and the main was turned back on later that afternoon.

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The City later had an independent appraiser inspect the properties and determine the damages to be \$15,365.98. The claimant has agreed to accept this amount as full settlement. Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
1029-2004-500 & 501:109780