

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

June 28, 2011

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

Re: Resolution Relating to the Claim of JOHN & KIM SCHOOF
C.I. File No. 11-L-39

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.

Claimants, John and Kim Schoof, W186 S9642 Parker Drive, Muskego, WI 53150-9551, allege that on March 4, 2011 they sustained damages when a City sewer backed up into the basement of their property located at 6200 West Manitoba Street. They claim damages in the amount of \$14,409.63.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on March 4, 2011 they responded to a call of a backwater at 6200 West Manitoba Street. The ISD found the City main sewer to be clogged with roots and debris. They used a rodder to open the clog, clean the sewer and restore it to proper working order. The sewer is on a regular cleaning schedule and was last cleaned, prior to this incident, on August 1, 2008. Because the sewer is on a regular cleaning schedule and the City did not have notice of any problems with the sewer, the City cannot be held liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2011-1467:170846