

CITY OF MILWAUKEE

Form CA-43

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April 19, 2001

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

Re: Communication from American Family Insurance
as subrogee for William & Judi Janicek
C.I. File No. 01-S-87

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, William & Judi Janicek, 3661 South Alabama Avenue, Milwaukee, WI 53207 allege through American Family Insurance Group, Post Office Box 2927, Milwaukee, WI 53201-2927 as subrogee that on January 30, 2001 a City water main break caused water and sewage to back up in their home. They claim damages in the amount of \$9,657.91.

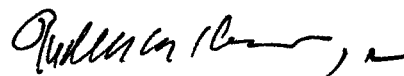
Our investigation reveals that the Milwaukee Water Works responded to a potential water main break at or near this address on January 30, 2001. The water works investigator completed an emergency shut-off of the water main upon arrival at the scene. Milwaukee Water Works crews subsequently completed repair and the main was put back in service at 9:30 a.m. on the same date.

The Infrastructure services Division also responded to the site. They found the sewer main was also damaged. It was extensively cleaned to remove debris and backfill materials. The sewer main was placed back in service after repairs and cleaning. The property owners in the area were advised to have their sewer laterals cleaned.

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The Milwaukee Water Works was not negligent with respect to their response time, manner of repairs or attempts to minimize consequential damages and, therefore, the City is not liable for the events giving rise to this loss. In addition, prior this complaint, the City had no notice of any defect with the sewer main. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY,
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure