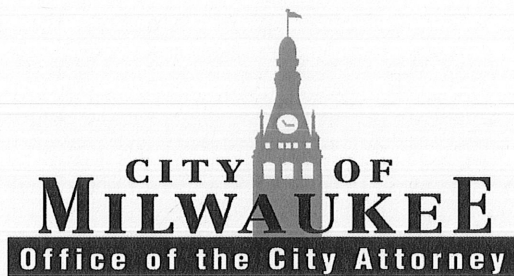


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November 26, 2021

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

RE: Communications from George Lewis
C.I. File No. 1048-2021-1041

Dear Common Council Members:

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

Mr. George Lewis, 1826 North 19th Street, has filed a claim against the City of Milwaukee in the amount of \$36,001.36 for water damages in his basement. As a participant in the City's Downspout Disconnection Program, Mr. Lewis alleges that the downspouts extensions that were connected to his home, were too short, as the water runs off the roof, down the spouts, went directly into his basement. If the extensions of the downspouts had been the proper length, the water would have been discharged further away.

On August 2019, Mr. Lewis applied to participate in DPW "Downspout Disconnection Program." On September 2019, Mr. Lewis' residence, 1826 North 19th was examined for participation into the program. It was determined that the two downspouts connected to Mr. Lewis' home could be disconnected, discharge to grade, and to meet Milwaukee Code of Ordinances criteria.

On March 9, 2020, the contractor chosen by DPW performed the requested disconnection. On July 16, 2020, Mr. Lewis had concerns regarding the position of the downspout discharge point and water in his basement. On July 21, 2020, the property in question was examined as to the disconnection work done by the contractors. The examination revealed the work completed by the contractor met Milwaukee Code of Ordinances for discharge, which is a minimum of 2 feet from the foundation wall. The work completed by the contractor had the downspout extensions plus the splash block placed the point of discharge approximately 3 to 4 feet from the foundation wall. It was



To the Honorable Common Council
Of the City of Milwaukee
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Page 2 of 2

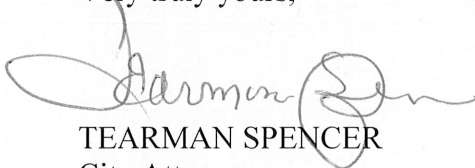
noted during the examination that there was a considerable amount of space between the foundation wall and the side lot line.

On July 23, 2020, in response to Mr. Lewis' concerns, he was advised by DNS Residential Code Enforcement Supervisor that even though the discharge points met MCO code, one could extend the discharge point further from his house, or have the downspouts reconnected to the sewer. Mr. Lewis decided to have the city contractor reconnect the downspouts to the sewer. Due to delays in getting the contractor to perform the work, Mr. Lewis chose to reconnect the downspout himself.

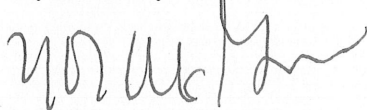
In conclusion, Mr. Lewis had his basement repaired from water damages in 2020. Wisconsin Statute §893.80(1d) (a) requires that a notice of the circumstances of the claim be filed within 120 days after the happening of the event giving rise to the claim. We received notice of Mr. Lewis claim August 2021. Mr. Lewis' claim is untimely. In addition, we have the right to inspect the damages being claimed, which is currently impossible in that the alleged damages have been repaired.

There is no evidence that the City was negligent in this matter. Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



YOLANDA MCGOWAN
Assistant City Attorney

YYM/BMB/cdr

Enclosure

1048-2021-1041/277087