

April 21, 2004

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

Re: Communication from Sandra Harrison, Administrator & Acuity Ins.,
Joseph P. Robarge, Representative
on behalf of Yeshiva Elementary School
C.I. File No. 04-L-37

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.

Claimant, Yeshiva Elementary School, by its representative, Sandra Harrison, Administrator, 5115 West Keefe Avenue, Milwaukee, WI 53216 alleges on behalf of themselves and also alleges through Acuity Insurance, by its representative, Joseph P. Robarge, Post Office Box 58, Sheboygan, WI 53082 as subrogee that on March 1, 2004 they sustained damages when a clogged City sewer backed-up into the basement of their property. They claim damages of \$5,538.48 and \$15,000.00, respectively.

Our investigation reveals that the Infrastructure Services Division records indicate that they investigated a backwater complaint at this address on March 1, 2004 and found that the City's main sanitary sewer was clogged resulting in the backwater. The sewer was cleaned and restored to proper working condition. This sewer is on a regular cleaning schedule and was last cleaned prior to the clog on December 4, 2001, which is within its normal cleaning cycle. This City main sewer has no previous history of clogs at this location. Because the sewer was on a regular

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cleaning schedule and the City did not have any notice of problems with the sewer, the City cannot be held liable. 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
1029-2004-1066:80173