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May 31, 2016

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

Re: C.I. File No. 1048-2015-1221
Communication from: CATHOLIC MUTUAL GROUP, by its representative
Jen Brokmeier
P.O. Box 178
Menomonee Falls, WI 53052

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.

Catholic Mutual Group alleges that on January 3, 2015 their insured sustained damages when a water main broke and water backed up into the basement of their property located at 7152 North 41st Street. Claimed damages total \$5,836.34.

This notice of claim was filed on May 4, 2015. 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 issue to the claim. This notice is untimely. The Assessor's Office information notes that the insured is not the owner of the property.

The Milwaukee Water Works (MWW) records indicate that on January 3, 2015 at 9:52 a.m. their control center received a report of a leak in the street at 7140 North 41st Street. They dispatched a utility investigator who confirmed a break on an 8-inch water main at this location. The MWW requested that DPW-Sewer Maintenance respond to check the sewer lateral at this site. DPW responded and they found that the main break had caused a backwater in the area. Mid-City Plumbing was hired by the MWW to make the necessary repairs and the main was placed back in service that



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day. While MWW did respond to the broken main, they were not informed of any flooding at the claimant's property.

The MWW notes that during the 100 or more years of the life expectancy of a water main, it is expected that main breaks happen. The repairs of all main breaks are performed according to industry standards. The fact that a break occurred is not necessarily an indication of the potential of future main breaks. Throughout the year, they evaluate the condition of water mains and schedule projects for replacement based on the main break activity, history, field reports and other factors. After this loss, they conducted a reevaluation on this segment of water main and accelerated the replacement status based on these criteria. As a result, this section of main was replaced in the summer of 2015.

There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

c: Bernice Flemming (MWW)