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September 13, 2022

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

RE: Communication from VERTHER PERRY
C.I. File No. 1048-2022-636

Dear Sir or Madam:

Ms. Verther Perry alleges that on February 9, 2022, at approximately 4:30am, she observed water leaking into her basement and pooling in the yard around her home located at 5034 N. 108th Street. Ms. Perry submitted a damage claim for \$5,550.73, for water source investigation, water extraction, and floor removal.

Milwaukee Water Works (MWW) records indicated that on February 9, 2022, at 4:49am, MWW received a report of a leak in the street, located west of N. 107th Street on W. Fairmount Avenue. An MWW investigator responded to the location, and at 6:43am, confirmed a break on the 8" water main on W. Fairmount Avenue. The investigator subsequently throttled the water main, which slowed the flow of water without turning it off completely. An MWW crew placed the main out of service at 11:00am, performed repairs to the main, and placed the water main back in service at 1:30pm.


On May 12, 2022, Ms. Perry filed her notice of claim, and our independent appraiser completed an inspection of her property and noted that the mitigation company hired by the claimant had already removed the damaged flooring at the time of inspection. The independent appraiser recommended total cost of repairs is \$5,097.58. Meanwhile, the claimant submitted another estimate from New Floors, Inc., for \$5,269.16.




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It is our view that Milwaukee Water Works took action as soon as it was informed of the leak and performed repairs in a timely manner. As such, the city is not liable for damages in this case, and we recommend that the claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



S. TODD FARRIS
Deputy City Attorney

STF/MG/cdr

1048-2022-636/281727