

CLAIM FORM TO CITY OF MILWAUKEE

Property Owner Name	Lisa M. Phillips
Property Address:	1330 N. 55 th Street, Milwaukee, WI 53208
Home Telephone:	(414) 479-0734
Work Telephone:	(414) 286-8891

Circumstances of Claim:

I am requesting that I be reimbursed \$14,100 for damage caused to my lateral sewer line by a Dutch Elm tree owned by and located on City of Milwaukee property in front of my home.

Details of the damage are enclosed in the following materials (including videotape, pictures and detailed drawings).

CITY OF MILWAUKEE
 2001 JAN 16 PM 2:58
 RONALD D. LEONHARDT
 CITY CLERK

li m up

Signature of Claimant

Lisa M. Phillips

Printed Name

1/16/01

Date Signed

CITY OF MILWAUKEE
 RECEIVED

'01 JAN 16 PM 3:22

OFFICE OF
 CITY ATTORNEY

CLAIM TO CITY OF MILWAUKEE
DETAILED DESCRIPTION OF THE INCIDENT

Property Owner Name Lisa M. Phillips
Property Address: 1330 N. 55th Street, Milwaukee, WI

On August 17, 2000 a rapid, heavy rain downpour created a backup of several inches of water in the basement of my home located at 1330 N. 55th Street. I moved into this home in June 1999 and previously had no prior problems with backup in the basement. Also, the previous owner of six (6) years stated, upon transfer of the home, that there had been no problems with flooding.

At 8:00 A.M. I called the Department of Public Works and a crew was immediately dispatched to my home. I talked with the crew and they determined there was no problem with the main street line but that there might be a problem with my lateral sewer line. I contacted a private plumbing company who dispatched a plumbing technician to my home. The technician arrived at my home at 11:00 a. m that day. The technician attempted to snake my lateral line to assess the problem but was unsuccessful. He decided to have another technician from his company come to attempt to snake the drain. It was noted by my roommate who was present, that some roots were removed from the Lateral. The plumbing technician recommended that I have another technician come to put a camera down the sewer line to further determine what the problem might be.

On August 29, 2000 a technician from Meyer's Plumbing arrived to "camera" the sewer. The technician attempted to snake the drain but due to difficulty stopped. He proceeded to place the camera down the drain. He was unable to move the camera past 12 - 13 feet due to water backup. The technician showed me the point of the blockage and that there were several cracks in the pipe. I was told there was no reason to have a video made since he recommended having another company come to repair the problem and they would again camera the sewer line before repairs started. He recommended that I contact Badger Plumbing for assistance.

On August 30, 2000 I called Badger Plumbing, the company recommended by Meyer's Plumbing. I requested an estimate for repairs. The owner arrived and stated he would call me with an estimate. I also had several other companies come to give me an estimate. One company suggested that I have RotoRooter come out for a second opinion. Each plumbing company gave me an estimate of between \$3,000 to \$4,000 based on work from the house to the City of Milwaukee sidewalk.

On September 1, 2000 Roto Rooter arrived. The technician was only able to snake out to the main drain with the use of a "whip." I decided to have the technician camera the line to locate any problems. I had informed the technician that Meyer's Plumbing had not been able to camera past 12 feet. The Roto Rooter technician was able to camera the line

**CLAIM TO CITY OF MILWAUKEE
DETAILED DESCRIPTION OF THE INCIDENT**

Property Owner Name Lisa M. Phillips
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out to approximately 23 feet. A video was completed and the location was marked on the sidewalk where the blockage was located. {Please see video}.

I again proceeded with several estimates (based on repairs with the additional footage), which ranged from \$4,000 to \$6,000 dollars. All of the plumbing contractors advised me that if the pipe was crushed out to the main line, the cost to repair the damage would increase.

I proceeded to retain the services of Wagner Plumbing. Work began on September 13, 2000. Excavation began from the house out to the location of the blockage noted on the video. After excavation to the sidewalk, another camera was placed in the line to determine if there was damage from the City of Milwaukee sidewalk out to the main line. It was noted that the sewer line was completely crushed from the City of Milwaukee sidewalk to the main city line and would have to be repaired. During excavation under the city sidewalk, a 6-inch root was removed from above the sewer line. Another 3-inch root was running the entire length of the sewer line from the tree to the house.

I am enclosing the video that shows damage to the clay sewer line, a summary of costs, pictures before and after repairs, and a detailed diagram of the location of all involved entities. Completion of the repairs occurred on September 20, 2000.



11030 W. Lincoln Ave.
Milwaukee, WI 53227

INVOICE

No 84943

Milwaukee: (414) 541-4477
Waukesha: (262) 548-3660

INVOICE DATE 9-1-00	PHONE 443-9781	P.O. #	START TIME 11:40
CUSTOMER NAME LISA M. PHILLIPS		FINISH TIME 1:40	
JOB ADDRESS (STREET, ZIP) 1330 N 55TH ST			
BILLING ADDRESS (IF DIFFERENT) (STREET, CITY, ZIP)			
SERVICE PERFORMED			PRICE
CLEANED SEWER WITH WHIP ONLY TO MAIN CAMERA LOCATE PIPE APPROX 25' FROM P.I.O. PIPE COLLAPSED AT THAT SPOT CRACKED			135.00
ON TOP ON PIPE 10' BACK FROM BAD SPOT.			325.00
PARTS/PRODUCTS			
TRUCK # 8			SUBTOTAL \$ 460.00
SERVICE REPRESENTATIVE RH			TAX \$ /
WARRANTY (IF APPLICABLE) NA			TOTAL \$ 460.00

RETAIN RECEIPT FOR WARRANTY PURPOSES.
\$20.00 CHARGE FOR RETURNED CHECKS. PAYMENT IS DUE WITHIN 30 DAYS. SERVICE CHARGE OF 1 1/2% PER MONTH (18% APR) ON ALL INVOICES OVER 30 DAYS OLD.

VISA/MC/DISCOVER

CHECK # **938**

CASH

CHARGE

Date: **9-1-00** Signature: **Alicia**

DENNIS BEAUDRY INSURANCE AGENCY
AMERICAN FAMILY INSURANCE
6111 W. BLUEMOUND ROAD
MILWAUKEE, WISCONSIN 53213
OFFICE #: 259-0040 FAX #: 259-0223

September 5, 2000

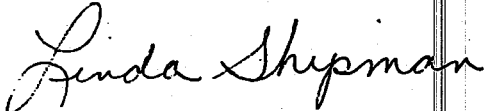
Lisa Phillips
1330 North 55th St
Milwaukee, WI 53208

RE: Claim for sewer line damage

In response to your letter dated, September 4, 2000, concerning the sewer line that was damaged from Dutch Elm tree roots. I am sorry to inform you that your homeowners policy does not cover this circumstance.

If you have any questions please feel free to contact our office.

Regards,



Linda Shipman
Licensed Representative
Dennis Beaudry Agency

cc:file

Gene A. Wagner Plumbing Co., Inc.
2017 So. 60th St.
Milwaukee, Wi. 53219
414-541-9217
414-541-9486 FAX
M.P. #222399

DATE: September 20, 2000

JOB #: 35772

NAME: Lisa Phillips & Allison Guthrie
1330 No. 55th St.
Milwaukee, Wi. 53208

JOB ADDRESS: Same

DESCRIPTION OF WORK: Replace sanitary sewer from outside
front porch out to main, make offset around tree.

As Per Quote	14,100.00
Paid on Account September 13, 2000	-7,050.00

Balance Due	\$7,050.00

TERMS: Balance to be paid net 60 days from completion of
work.

LISA M. PHILLIPS
1330 N. 55TH ST
MILWAUKEE, WI 53208
PH: 414-443-9781

12-31/750

989

Date 21 Nov 75

\$ 7050.00-

Pay to the order of Gene Wagner

Seven thousand fifty 00/100

7050.00

LINCOLN STATE BANK
MUSKEGO, NEW BERLIN, BROOKFIELD, PEWAUKEE
MILWAUKEE, WI 53215

For _____

Gene Wagner

⑆075000734⑆ 20 28 187 0⑆ 0989 ⑆00000705000⑆

GENE A. WAGNER PLUMBING CO., INC.
 COMPLETE PLUMBING SERVICE
 MASTER PLUMBER LICENSE #222399

Phone: 541-9217
 Fax: 541-9486

2017 South 60th Street Allison Guthrie

CUSTOMER: Lisa Phillips PURCHASE ORDER NO:
 ADDRESS: 1330 N 55th St 53208 JOB NO: 35772

OWNER OR AGENT MUST SIGN: I authorize and order the work described hereon, upon the terms and conditions set forth below and on the reverse side hereof. I represent that I am either the owner of the property or the owner's agent, and have authority to order said work. Unless a fixed price for labor and materials appears on the face hereof, all charges for work performed and materials installed shall be on a time and material basis. Owner or agent acknowledges and has read reverse side of this form.

X _____ CUSTOMER PHONE NO: 479-0734
 Lisa W - 286-8890

	AM	PM
Date _____		
From _____		
Travel Time		
Arrival Time		
Departure Time		

	AM	PM
Date _____		
From _____		
Travel Time		
Arrival Time		
Departure Time		

NOTICE! All owner's or agent's must initial time recorded above. This is the time you will be billed. NO EXCEPTIONS.

TERMS: NET UPON COMPLETION!

WORK AT: 1330 N 55th St

PERMITS:

WORK TO BE DONE: Replace son sewer from outside front porch out to main make off set around tree

As per quote \$14,100.00

8/20/00
 7,050.00

DATE OF WORK	9/3	9/5	9/8	9/14	9/20						
NAME	Scott	8	8	32							
	Ray	8/2	8	2	2 3/4						
	Dave	8	8	7	4 1/2						
	Frank	8	8	4 1/2	2 3/4						
JOB COMPLETED	10 BE										
NOT COMPLETED											
JOB NO:	35772										

REMARKS: Term. Ed net from 60% Date of Completion
 SAUS Rom

As required by the Wisconsin Construction Lien Law, builder hereby notifies owner that persons or companies furnishing labor or materials for the construction on owner's land may have lien rights on owner's land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned builder, are those who contract directly with the owner or those who give the owner notice within sixty days after they first furnish labor or materials for the construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to his mortgage lender, if any. Builder agrees to cooperate with the owner and his lender, if any, to see that all potential lien claimants are duly paid.

WORK INSPECTED AND APPROVED: _____
 X _____

Gene A. Wagner Plumbing Co., Inc.
2017 So. 60th St.
Milwaukee, Wi. 53219
414-541-9217
414-541-9486 FAX

September 21, 2000

Lisa Phillips
1330 N. 55th St
Milwaukee WI 53208

RE: Summary of work done at 1330 N. 55th St.
Partial Sanitary Sewer Replacement.

To Whom it may Concern,

Initially as per another contractors detection of sewer problem, it was assumed that this partial replacement would be from the west end of the front porch steps to a point approximately (10') in a westerly direction.

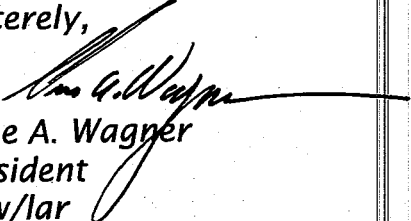
After excavation of this sewer was done in this location, we televised this sewer at the farthest west end of our excavation to the main in north 55th St. We found this clay sewer to be crushed and cracked at various locations. The damaged sewer was found to be under a City of Milwaukee tree, located between the street curb and the city sidewalk as well as other areas. The replacement of this sewer had to be done from our present excavation to the main sewer in north 55th St. re- routing this sewer around the city tree.

When we excavated this sewer we found a root of approximately six inches in diameter directly above the sewer lateral. This section of sewer was crushed at this location of tree root and other roots were found at various locations where there was damage to sewer.

Our opinion is that the tree roots from the tree located between the street curb and city sidewalk was a factor in the crushing of this sewer.

This work included road excavation, removal of city sidewalk sections, removal of concrete steps on owners property, removal of concrete walk section on owners property, and sewer replacement. This work also included replacing and repairing road and concrete areas that were disrupted to complete this work.

Sincerely,


Gene A. Wagner
President
Gaw/lar

Summary Of Costs For Sewer Replacement Section
Allison Guthrie and Lisa Phillips

AREA FROM WEST FRONT PORCH STEPS TO CITY SIDEWALK

Permits	178.00
Backhoe	400.00
Dump truck	400.00
Gravel	285.00
Concrete (sidewalk & steps replacement)	380.00
Pipe and fittings	120.00
Sewer Televising (equipment charge only)	170.00
Dump tickets (disposal of excavated materials)	200.00
Labor (40 hrs) x 78.50 /hr/man	3140.00

	\$5273.00

AREA FROM OWNERS PROPERTY LINE TO MAIN IN N. 55TH ST

Additional permits	191.00
Backhoe	800.00
Dump truck	800.00
Dump tickets	250.00
Barricades	140.00
Concrete (road base & city sidewalk repl.)	440.00
Saw cutting street	130.00
Pipe & Fittings	387.50
Compactor	75.00
Asphalt (road repairs)	113.00
Gravel	555.00
Labor (63 hrs) x 78.50/hr/man	4945.50

	\$8827.00

City of Milwaukee
Dutch elm



App 60 feet
in height

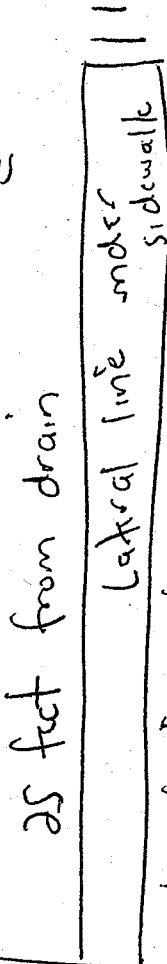
3 1/2 feet
between tree +
lateral line



Before repair

City of Milwaukee sidewalk

8 feet
from beginning
of crushed
area to
tree



steps

25 feet from drain

to first part
of blockage
owner

sidewalk

Front porch

○ Drain in basement

After repairs

Dutch elm

City of
Milwaukee
Sidewalk

Line had to
be routed to
avoid Dutch elm
tree roots

Lateral line

