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April 30, 2009

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

Re: Resolution relating to the claim of Ronald Sherrill
C.I. File No. 09-L-36

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, Ronald Sherrill, 6446 West Fond Du Lac Avenue, Milwaukee, WI 53218 alleges that on February 3, 2009 he sustained damages when a City water main broke and the water, debris and mud damaged his parking lot. He claims damages in the amount of \$6,300.00.

Our investigation reveals that the Milwaukee Water Works records indicate that on February 3, 2009 at 4:02 a.m. they received a report of a leak in the street at 6430 West Fond Du Lac Avenue. A field investigator dispatched to the location confirmed a break in an 8 inch water main and immediately shut off the water. The Water Works notified the Department of Public Works-Sewers to open the catch basins, contacted digger's hotline to mark the underground facilities and requested a salt truck to decrease the accumulation of snow and ice in the area. A Water Works crew also responded and made the necessary repairs. The main was placed back in service. The crew back-filled and

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blacktopped the excavation with a temporary asphalt patch. The Water Works was not negligent regarding their response, repair or minimization of damages. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
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JAS:beg
Enclosure
1048-2009-939:145483