

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
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GREGG C. HAGOPIAN
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MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

July 6, 2006

Holy Redeemer Educational Complex
Attn: Andre E. Townsel, GC
3500 West Mother Daniels Way
Milwaukee, WI 53209

RE: Holy Redeemer Educational Complex
C.I. File No: 06-S-161

Dear Mr. Townsel:

We have received your claim in the amount of \$2,039.00, relating to costs you incurred on January 9, 2006 when you allege that your lateral was broken at the City's manhole causing backwater to get into you property located at 3500 North Mother Daniels Way.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they responded to a call at this location on February 15, 2006. Mr. Parker of the Holy Redeemer Educational Facility stated that the toilets and urinals were overflowing. He had a plumber televise the building lateral and it indicated that the lateral was broken at the City's manhole. The ISD checked the City main sewer in the 4900 block of West Mother Daniels Way Extended and found a half inch of flow that appeared in good condition. They asked Mr. Parker if they could return the next day and view the tape. They did return and concluded that there was not enough information to indicate whether the lateral or main sewer was broken or if there was a buried manhole.

On February 16 and 17, 2006, the ISD made attempts to locate the manhole using metal locators and various City records but were unable to find it. The Sewer District Manager spoke with Mr. Parker to explain our plans to locate the manhole. Holy Redeemer would not be using the facilities on Saturday or Sunday and Mr. Parker saw no need for the City to work on this that weekend. Since the City's excavation equipment was being used for emergency removal of snow from that weekend's storm, it was decided that work would resume on Monday. As discussed, the ISD returned on February 20 and 21, 2006. They began to clean and televise the 6 inch diameter City main sewer to locate the buried manhole. The area was completely snow covered and had very rough terrain. They were

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unable to determine the approximate location of the buried manhole. The next day they started excavation and found the manhole about 4 feet below the surface of the graveled area southwest of the railroad tracks. They uncovered the manhole structure and found no frame and that the lid was at the bottom. In addition, the structure was filled with dirt, wood and brick. They immediately called for a vac-con machine to remove the debris. It appeared that the manhole was struck by some type of heavy equipment. Once the structure was cleared, the sewer and building lateral were restored to proper working condition.

This sewer is on a regular 3 year cleaning schedule with the last cleaning, prior to this incident, on April 19, 2004. At that time the manhole structure, frame and lid were intact. The ISD received no complaints or calls regarding the buried manhole prior to receiving this backwater complaint. Because the sewer is on a normal cleaning schedule and the City did not have any notice of problems with the sewer or manhole, the City cannot be held liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:beg

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