

# CITY OF MILWAUKEE

Form CA-43

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December 2, 2005

Thomas Neder  
3770 South Lenox Street  
Milwaukee, WI 53207

RE: Thomas Neder  
C.I. File No: 05-S-318

Dear Mr. Neder:


We have received your claim in the amount of \$351.00, relating to cost you incurred on September 20, 2005 when you allege roots from a City owned tree caused backwater to flow into the basement of your property located at 3770 South Lenox Street.

Our investigation reveals the Department of Public Works-Underground Operations neither investigated nor was notified of a backwater incident at this location. In their experience, tree roots typically enter building sewers due to structural defects in the lateral. Charter Ordinance 12-15, Milwaukee Code of Ordinances, indicates the building sewer and lateral are the responsibility of the property owner to maintain. Because the City was not negligent in this matter, it cannot accept liability and 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

  
ROBERT M. OVERHOLT  
Investigator Adjuster

RMO:beg  
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