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September 24, 2008

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

Re: Resolution relating to the claim of Howi Kok & All Flood
C.I. File No. 08-S-631 & 08-S-631-1

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, Howi Kok, 7057 Ernest Drive, Franklin, WI 53132 and All Flood, Post Office Box 100607, Milwaukee, WI 53210 allege that on August 5, 2008 Mr. Kok suffered losses at his property located at 527 West Howard Avenue and All Flood was hired to complete a clean-up due to this sewer back-up at this location. They seek damages in the amount \$10,220.00 and \$4,594.38 for a total of \$14,814.38.

Our investigation reveals that the Infrastructure Services Division-Sewer Section responded to a backwater call on the date and at the location in question. They found the sanitary sewer was clogged with grease and roots. The section cleaned and restored the sewer to proper working order. The sewer section records reflected that the sewer is on a regular cleaning schedule and was last cleaned on December 19, 2006.

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Since the sewer was on a regular cleaning schedule and the City had no prior notice of this condition, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2008-2454 & 2454.001:137470