

02-5-347

Ameritech.



2140 Davidson Road  
Waukesha, WI 53186  
262 549-7129 Office  
262 549-7131 Fax

December 24, 2002

City of Milwaukee  
Mr. Robert Overholt  
200 E. Wells Street, Room 200  
Milwaukee, WI 53202

Our Claim No.: 25200209-50-0119

Dear Mr. Overholt

This letter is in reference to our bill forwarded to you on November 20, 2002, in the amount of \$10,489.05 for damage to our Ameritech facilities on September 9, 2002, at Howard Avenue and Van Beck, Milwaukee, Wisconsin.

If you have submitted this claim to your insurance carrier for payment, will you please advise us of their name and address. If you have not submitted this claim to your carrier for payment, I will look forward to receiving your check in the near future.

If you have any questions concerning this matter, please feel free to contact me at 262 549-7129.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Griffiths".

Debbie Griffiths  
Risk Manager



CITY OF MILWAUKEE  
RECEIVED

'02 DEC 20 PM 2:35

**Mariano A. Schifalacqua**  
Commissioner of Public Works

**James P. Purko**  
Director of Operations

**Jeffrey S. Polenske**  
City Engineer

Department of Public Works  
Infrastructure Services Division

OFFICE OF  
CITY ATTORNEY

December 16, 2002

Grant F. Langley  
City Attorney  
City Attorney's Office  
Room 800 - City Hall

Subject: Ameritech  
C.I. File No. 02-S-347  
S. 25<sup>th</sup> St. & W. Howard Ave.

Dear Mr. Langley:

We have reviewed your September 30, 2002 letter and attached claims submitted by Ameritech and offer the following.

West Howard Avenue was reconstructed in 2002 from South 27<sup>th</sup> Street to South 13<sup>th</sup> Street. As part of the reconstruction of West Howard Avenue, a private contractor removed all existing pavement, granular sub-grade and soil over a city owned bridge, a box culvert located at 2500 West Howard Avenue. The contractor, Zignego Company, Inc., exposed all utilities located by Diggers Hotline which were placed on or near our box culvert. City crews were then scheduled to conduct concrete repairs to the box culvert prior to the contractor completing the reconstruction of West Howard Avenue.

Bridge Maintenance crews performed concrete repairs and placed a waterproof membrane over the box culvert, our work was to be completed prior to final paving by contractor. City crews power washed the concrete deck of the box culvert, a City Bridge Inspector then sounded the surface of the box culvert. All delaminated concrete areas were marked for removal and repair. City laborers, working under direct supervision of a Bridge Carpenter, chipped out the delaminated concrete areas with hand chippers. They exposed a pipe while performing the concrete chipping. Since this pipe did not serve a structural purpose in the bridge, we contacted the City's underground services and asked them to determine if this was an undocumented City facility. This pipe could not be associated with any City facility. After searching our records we were unable to find any agreements between the City and any utility for 2500 West Howard Avenue that allowed a utility to place and maintain private conduit buried within the concrete deck of the box culvert.

We contacted Ameritech about the pipe. Ameritech locators that were sent to the site did not believe that the pipe was part of their facility. They first believed that their duct package was under the River and under the city owned box culvert. Ameritech field personnel eventually

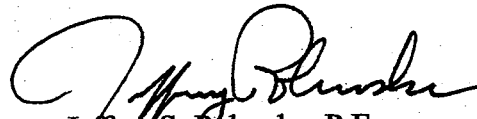
determined that their duct package was actually within the bridge deck and not underneath the box culvert. They told one of our Bridge Carpenters that the pipe we exposed did not contain any wires. Ameritech personnel placed a sleeve over the pipe that our crews exposed. Ameritech field personnel also told our Bridge Maintenance Manager that they would request their engineers' permission to abandon the duct package within the bridge deck, then core through the culvert side walls and establish their standard hanging duct package under the bridge deck.

The following day Ameritech pulled a backhoe and breaker onto the bridge deck and began "looking" for additional Ameritech ductwork. Their operator exposed an area of missing reinforcement where a previous repair and concrete patch appeared to have been made. This previous duct repair could explain the failed area located by a City Bridge Inspector during his deck inspection. The Ameritech backhoe hit and damaged the initial conduit repair and another Ameritech conduit buried in the bridge deck. The Ameritech backhoe breaker, while probing for their undocumented conduits, also punched a hole through the top of the City's concrete box culvert – substantially increasing the scope of the deck repairs that the City had to complete prior to placement of the waterproof membrane. Ameritech's explorations of the box culvert, their self-inflicted cable damage and the added cable repair threatened to delay the reconstruction of West Howard Avenue.

City workers hand chipped additional concrete away from the conduit exposed by Ameritech forces prior to repairing the remaining delaminated areas on the deck and some of the areas damaged by Ameritech. At the request of Ameritech, Bridge Maintenance crews placed a ¼" steel plate over areas of their exposed conduit. City forces then completed the concrete repairs and placed the waterproof membrane on the deck of the box culvert.

There were not any records of Ameritech having any conduits within our box culvert. Therefore, we did not have any knowledge of the empty Ameritech conduit that we exposed while conducting deck repairs. City forces worked with Ameritech to resolve their confusion regarding their facilities placed within our structure. We even placed a steel plate over one of the Ameritech conduits that they exposed. If you have any further questions concerning this matter, please contact Mr. Jeff Dellemann of my staff at extension 2078.

Very truly yours,



Jeffrey S. Polenske, P.E.  
City Engineer

PJN/JLD/djm



cc: J. Dellemann

File

**Bill For Damages**

CITY OF MILWAUKEE

2007 NOV 22 PM 3:48

RONALD D. LEONHARDT  
CITY CLERK

Date: 11/20/2002

Page 1 of 1

Claim #: AMER-25-200209-50-0119

To: CITY OF MILWAUKEE  
CITY CLERK OFFICE  
200 E. WELLS, ROOM 205  
MILWAUKEE, WI 53201

**Charge For Damage To:** AMERITECH FACILITIES  
**On Or About:** 9/9/2002  
**At:** EAST BOUND HOWARD AVE ON BRIDGE JUST EAST OF VAN BECK IN MILWAUKI  
MILWAUKEE CITY (PT.), WI  
**By:** MARCUS PALMER  
**While:** BREAKING CONCRETE IN BRIDGE DECK WITH AIR HAMMER

**Our Records Indicate:**

LABOR	REPAIR OF UNDERGROUND CABLE	81.75 REG HRS	\$5,482.98
MATERIAL	CABLE EXCHANGE DCMZ 1200 PAI	500 QTY	\$3,260.20
MATERIAL	PLATE END 2D2	2 QTY	\$83.16
MATERIAL	CONNECTOR MODULE 4005DPM/FR PL	3 QTY	\$66.96
CONTRACTOR	KEN BECKER & SONS		\$1,100.00
LOSS OF USE	POTS LOCAL EXCHANGE		\$465.00
OTHER ITEMS	CUST TROUBLE TICKET GENERATION EXPEN:		\$30.75

**Amount Due:** **\$10,489.05**

This bill is due upon receipt. If payment is not received within 15 days further collection action will be taken.

REMIT PAYMENT TO: AMERITECH  
Attn: Risk Mgmt. Svcs.  
ONE SBC CENTER ROOM 39-N-13  
ST. LOUIS MO 63101-3099

Inquiries call 1-888-653-8269 Hours: Mon.-Fri. 8:00 am - 4:55 pm EST OR MAIL INQUIRIES TO: AMERITECH 45 ERIEVIEW  
PLAZA RM 1405  
CLEVELAND OH 44114 FAX 216-822-7193

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
02 NOV 25 PM 3:32

## Bill For Damages

**To:** CITY OF MILWAUKEE  
CITY CLERK OFFICE  
200 E. WELLS, ROOM 205  
MILWAUKEE, WI 53201

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Page 1 of 1  
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ERIEVIEW PLAZA RM 1405  
CLEVELAND OH 44114 FAX 216-822-7193

REMITTANCE COPY

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Special Deputy City Attorneys



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TELEPHONE (414) 286-2601  
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FAX (414) 286-8550

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**HAZEL MOSLEY**  
**HARRY A. STEIN**  
**STUART S. MUKAMAL**  
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**LEONARD A. TOKLICH**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

October 23, 2002

Mr. Jeffrey S. Polenske, P.E.  
City Engineer  
Infrastructure Services Division  
Municipal Building, Room 701

Re: C.I. File No. 02-S-347  
Communication from AMERITECH (25200209-50-0119)

Dear Mr. Polenske:

Enclosed herewith please find a copy of a communication concerning a claim which has been referred to us by the City Clerk's Office for an opinion concerning liability.

Because litigation is anticipated, we ask that you make a complete investigation of this matter. When the investigation is completed, please send it to this office to the attention of the Claims Section.

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley". The signature is written in a cursive style.

**GRANT F. LANGLEY**  
City Attorney

GFL:beg  
Enclosure  
5092



2140 Davidson Road  
Waukesha, WI 53186  
Office 262 549-7129  
Fax 262 549-7131

October 10, 2002

City of Milwaukee  
City Clerk Office  
200 E. Wells, Room 205  
Milwaukee, WI 53202

Our File No.: 25200209-50-0119

To Whom It May Concern:

We wish to advise you that on September 9, 2002, at Howard Avenue, east of Van Beck on bridge, Milwaukee, Wisconsin, your employee while breaking concrete with air hammer caused damage to our buried cable. Our report indicates there was no locate request by the City for this work.

As soon as our repair invoice is prepared, a copy will be sent to your or your insurance carrier, whichever you prefer.

Please contact my office at 262 549-7129 as soon as possible if you dispute liability for this damage.

Sincerely,

Debbie Griffiths  
Risk Manager

✓  
CITY OF MILWAUKEE  
2002 OCT 21 PM 2:34  
RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
2002 OCT 21 PM 4:01