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September 2, 2009

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

Re: Resolution relating to the claim Rhonda Clemons
C.I. File No. 09-L-70

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, Rhonda Clemons, 2842 North 48th Street, Milwaukee, WI 53210-1754 alleges that on June 18, 2009 at approximately 10:30-11:00 p.m. she sustained damage to her vehicle when it became submerged in water at West Fond du Lac Avenue and West Locust Street. She claims damages in the amount of \$7,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of the rain during this time, the City experienced flows that exceeded the capacity of the sewer system. On June 19, 2009 at 2:00 a.m. the ISD received a call of surface flooding for the location of North 31st and West Fond du Lac Avenue. Their crew responded, removed debris from the surface of

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the catch basin and restored it to working condition. After this claim was filed, the ISD checked the basin and found it to be in proper order. The City was not negligent in this matter. 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
Assistant City Attorney

JAS:beg
Enclosure
1029-2009-1925:148804