

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

October 30, 2009

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

Re: Resolution Relating to the Claim of Carolyn Bracken
C.I. File No. 09-L-117

Dear Council Members:

We return the enclosed document which as 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, Carolyn Bracken, 2417 West Galena Street, Milwaukee, WI 53205, alleges that on June 19, 2009, she sustained damages when a City sewer backed up into the basement of her residence. She claims damages in the amount of \$5,400.00. The Assessor's Office information notes that she is not the owner of record of this property.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they did not receive a complaint of backwater at the time. Their records also indicate that because of the large amount and strong intensity of the rain during the June 18-19, 2009 flood, the City experienced flows that exceeded the capacity of the sewer systems. Additionally, the ISD checked the City main sewer as a result to Ms. Bracken's claim and found it to be in proper working order. The City was not negligent in the 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:ms
Enclosure
1029-2009-2753:151257