

August 22, 2003

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

Re: Communication from Patrick & Charlene Buckner  
C.I. File No. 03-L-78

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.

Claimants, Patrick & Charlene Buckner, 3418 South Ahmedi Avenue, Milwaukee, WI 53207, allege that on May 14, 2003 they sustained damages when a collapsed City sewer backed-up into their basement. They claim damages in the amount of \$ 18,443.37. The Office of Assessor information notes that they are not the owners of record at the time of the loss.

Our investigation reveals that the Infrastructure Services Division records indicate that they did not investigate a backwater at this address. They did investigate a backwater at 3424 South Ahmedi on May 14, 2003 and found that the City sewer was collapsed. It was thought at the time, that the incidents were related. They notified the Milwaukee Water Works which had repaired a service leak at 3407 South Ahmedi Avenue on May 9, 2003. The following day they were contacted by the claimants and had obtained a water sample from their sump pump. It was later found to contain sewer water. While this was inadvertently not reported to the claimants, it is unlikely that the outcome would be different. The Water Works had also receive a report of basement flooding on May 14, 2003 at approximately 11:54 p.m.. Their Distribution division arrived at 1:30 a.m. on the following day and excavated to the City sewer. Heiden Plumbing was

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hired to repair the sewer. They had also repaired the service leak. It was noted that the water flow from a service leak is significantly less than most main breaks and that nothing at the time suggested that there was a problem with the sewer. The sewer was approximately 3 to 4 feet below the excavation for the leak making it very unlikely that it would have been damaged when the leak was repaired. The sewer did not back-up until five days after the repairs to the leak were completed. The ground under the leak was firm at the time of repair, this indicated that the leak had not affected the ground between the service and the sewer. Heiden replaced approximately 13 feet of sewer that apparently collapsed due to age and not as a result of the leak or its repair. The Milwaukee Water Works followed normal and customary repair practices in this matter. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure  
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