

CITY OF MILWAUKEE

Form CA-43

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January 8, 2003

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

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

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, Ameritech through its representative Debbie Griffiths, Risk Manager, 2140 Davidson Road, Waukesha, WI 53186 alleges that on September 19, 2002 a Department of Public Works crew damaged their buried cable at or near South 25th Street and West Howard Avenue. They claim damages in the amount of \$10,489.05.

Our investigation reveals that a private contractor reconstructed West Howard Avenue from South 27th Street to South 13th Street. The private contractor exposed all utilities located by the utility marking service. The City crews were scheduled to conduct repairs to the box culvert¹ located at or near 2500 West Howard Avenue. The City crews began work on the area and slightly penetrated the exterior of an undocumented pipe that did not belong to the City of Milwaukee. A search of City records did not find any agreements allowing a utility to locate and maintain private conduit within the concrete deck of the culvert.

¹A box culvert is a concrete structure rectangular in shape with an opening through which water from an open creek or stream is allowed to pass beneath a roadway.

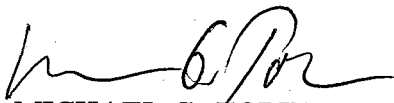
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The City had no notice or knowledge of the undocumented Ameritech facilities and they were not located by the utility-marking service. Because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



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MGT:beg
Enclosure
1029-2002-3274:61868