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October 28, 2013

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

Re: Communication from BRANDON AND CHELSEA FAMULARO
C.I. File No. 1029-2013-1890

Dear Council Members:

Claimants, Brandon and Chelsea Famularo, 2868 South Delaware Avenue, Milwaukee, WI 53207, allege that on or about March 27-28, 2013, they hired a contractor to repair what they believed to be a broken lateral at 326-328 W. Mineral Street. Their contractor discovered that their sewer lateral was not broken, but had never been cut into the City main sewer. The claimants seek damages in the amount of \$12,073.00.

Infrastructure Services Division records indicate that on March 15, 2013, Sewer Maintenance responded to a call of a backwater at 326 West Mineral Street. They found that the City main sewer was working properly and advised the party to hire a plumber. On March 27, 2013 Infrastructure Services responded to a request from Badger Plumbing for this address. The plumber had excavated and was unable to find the connection from this address to the main sewer. Sewer Maintenance checked their records and maps and found no record of a lateral serving this property.

The following day, Sewer Maintenance televised the sewer to see if a lateral connection existed. Based on this exam, the sewer manager relayed the measurements of the possible connection to Badger Plumbing. Badger Plumbing's excavation was a few feet off these measurements.

To the Hon. Common Council
October 28, 2013
Page 2

On April 1, 2013, Sewer Maintenance was called out to this address to check the connection that the plumber had made to the main sewer. The plumber had not moved the excavation; he had simply made a new 6 inch connection to the main combined sewer.

The sewer was relayed in 1996. There were no complaints on file. The sewer is on a regular cleaning schedule and was last cleaned, before this incident, on August 18, 2009.

A lateral is the responsibility of the property owner pursuant to City Charter Ordinance 12-15.

There is no evidence that the City was 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

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Assistant City Attorney

PAF:cdr

Enclosure

1029-2013-1890/197237