

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNINS
PETER J. BLOCK
Assistant City Attorneys

February 22, 2012

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

Re: Resolution Relating to the Claim of Dan and Deb Pollesch
C.I. File No. 11-L-92

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimants, Dan and Deb Pollesch, 2916 North 82nd Street, Milwaukee, WI 53222 allege that a fire hydrant had been improperly installed in the 2900 block of North 82nd Street, and that as a result, the City sewer line was clogged. After some rain on June 21, 2011, the sewer backed up into their basement. They claim damages in the amount of \$13,011.68.

Our investigation reveals that the Milwaukee Water Works (MWW) records indicate that on June 21, 2011 they were engaged in activity to replace a fire hydrant at 2940 North 82nd Street. During this process, their distribution crew backfilled the excavation site with crushed limestone chips. They later blacktopped the area with a temporary asphalt patch. Subsequently, the Department of Public Works – Sewer Maintenance received and responded to several backwater complaints in the 2900 block of North 82nd Street. They determined that the City sewer was working properly and that sewer laterals in the area were clogged with gravel. The MWW crew was unaware that, due to heavy rains, some of the limestone chips had entered and clogged the laterals. This caused the back up into the claimant's basement.

Subsequently, the claimant's basement was inspected by our independent appraiser and the damages were reviewed. He evaluated the damages to be \$11,707.50. The claimants have agreed to accept this amount in settlement of their claim.

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Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$11,707.50 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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