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October 28, 2008

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

Re: Resolution relating to the claim of Ronald & Barbara Eder
C.I. File No. 08-L-89

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, Ronald & Barbara Eder, 8232 West Morgan Avenue, Milwaukee, WI 53220 allege that on June 7, 2008 they sustained damages when a City sewer backed up into their basement. They claim damages in the amount of \$9,301.51.

Our investigation reveals that the Infrastructure Services Division records indicate that because of the large amount and strong intensity of the rain during the weekend of June 7, 2008, the City experienced flows that exceeded the capacity of the sewer systems. Additionally, the City checked the sewer main as a result of Mr. & Mrs. Eder's claim and found it to be in proper working order. The City was not 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

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2008-2849:138953