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July 28, 2009

Linda M. Collins
301 East Schiller Street
Milwaukee, WI 53207

RE: Linda M. Collins
C.I. File No: 09-S-229

Dear Ms. Collins:

We have received your claim in the amount of $4,500.00, relating to damage allegedly sustained from September 2008 through April 2009 when backwater from the City's sewer backed up into your property at 301 East Schiller Street.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they responded to calls regarding backwaters at 301 East Schiller Street on March 9, and April 8, 2009. They checked the City main sewer and found it to be in proper working order. This sewer runs under the sidewalk and is in the City right of way. Your house lateral is hooked up to this sewer. There is no City sewer running over your house lateral causing it to collapse. This was also confirmed by your plumber. The operation and maintenance of this lateral is the responsibility of the property owner under City of Milwaukee Charter Ordinance 12.15. There is no evidence that the City was negligent in this matter. As such, the City cannot accept liability. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:beg
1029-2009-1764