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September 21, 2009

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

Re: Resolution Relating to the Claim of Christopher and Karra Esenberg
C.I. File No. 09-L-87

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, Christopher and Karra Esenberg, 8826 West Center Street, Milwaukee, WI 53222 allege that on June 19, 2009 they sustained damages when there was a sewer back-up at their home. They claim damages in the amount of \$5,350.97.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of rain during this time, the City experienced flows that exceeded the capacity of the sewer system. The ISD received a backwater complaint for this address on June 19, 2009. The investigator found the City sewer main to be in proper working order on that date. City records also indicate that the main had last been cleaned in August, 2008 and that only light dirt was found in the cleaning process.

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There is no evidence, therefore, that the City was negligent. It would not, therefore, be liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure

c: Attorney Richard Esenberg
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1029-2009-2255:150121